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## **“Geographical Indications (GIs), biodiversity and poor communities”**

The opportunity of GIs to provide protection of traditional indigenous biodiversity products and benefits to poor agricultural communities:

A Desk Study on six target countries:  
Cambodia, Laos, Indonesia, Vietnam, Ethiopia, Mauritania

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## **Foreword**

This desk study has been written from several documents related to various projects and does not rely on any field work, in conformity with UNCTAD order. The authors would like to thank sincerely Paul Bordoni from Crop for the Future for his precious inputs.

## **CIRAD**

The Centre de Coopération Internationale en Recherche Agronomique pour le Développement (CIRAD) is a French research centre working with developing countries to tackle international agricultural and development issues.

With those countries, it works to generate new knowledge, support agricultural development, and contribute to the debate on the main global issues concerning agriculture, food, environment and rural territories.

CIRAD has a global network of research and training platforms in partnership and regional offices, through which it works hand in hand with more than 90 countries.

It has a staff of 1800, including 800 researchers. It has an annual budget of 218 million euros, with two thirds provided by the French government.

[Http://www.cirad.fr](http://www.cirad.fr)

## **UNCTAD**

UNCTAD, which is governed by its 194 member States, is the United Nations body responsible for dealing with development issues, particularly international trade – the main driver of development. Its work can be summed up in three words: think, debate, and deliver.

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## **CFF**

Crops for the Future (CFF) is an organisation dedicated to the development of neglected and underutilised plant species by facilitating access to knowledge on neglected species, providing information services, identifying and advocating for policies that promote neglected species rather than discriminate against their use, increasing awareness on the potential and contributions of neglected species for livelihoods and well-being and strengthening capacity.

CFF is hosted by Bioversity International in a joint venture with the University of Nottingham's Malaysia Campus and located in Serdang, Malaysia.

<http://www.cropsforthefuture.org/>

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**Table of Contents**

- I. Background: the opportunities of Geographical Indications to provide protection of traditional indigenous biodiversity products and provide benefits to poor agricultural communities .....7**
  - 1. Biodiversity, Access and Benefit sharing and Intellectual Property Rights.....7
  - 2. Geographical Indications: the reputation attributed to the origin .....8
  - 3. The conflict between name of plant varieties and Geographical Indications .....9
  - 4. The opportunities and threats of Geographical Indications regarding biodiversity.....10
  - 5. The opportunities of GIs for small scale farmers..... 11
  - 6. First conclusions on conditions for GIs to preserve biodiversity and small scale farmers ..... 12
- II. The legal frameworks in the 6 countries .....14**
  - A. Legal framework on GIs ..... 14
    - 1. Cambodia: .....14
    - 2. Laos .....16
    - 3. Indonesia .....18
    - 4. Vietnam .....21
    - 5. Ethiopia .....23
    - 6. Mauritania .....24
  - B. List of GIs already registered in the target countries .....25
    - 1. Cambodia .....25
    - 2. Laos .....25
    - 3. Indonesia .....26
    - 4. Vietnam .....26
    - 5. Ethiopia .....28
    - 6. Mauritania .....28
  - C. Legal framework on Access and Benefit-Sharing .....28
    - 1. Cambodia .....29
    - 2. Laos .....29
    - 3. Indonesia .....30
    - 4. Vietnam .....30
    - 5. Ethiopia .....31
    - 6. Mauritania .....31
- III. The identified potential GI products by country .....32**
  - 1. CAMBODIA .....33
  - 2. LAOS .....40
  - 3. INDONESIA .....49

4.	VIETNAM .....	54
5.	ETHIOPIA .....	64
6.	MAURITANIA .....	66
<b>IV.</b>	<b>Key recommendations for GIs to accommodate the needs of poor farmers and conserve biodiversity.....</b>	<b>71</b>
A.	Preliminary identification of weaknesses of current GIs framework .....	71
B.	Recommendations.....	72
1.	Supporting poor communities.....	73
2.	Maintaining biodiversity .....	75
3.	Providing an efficient protection.....	77
4.	Implementing Access and Benefit Sharing mechanisms via Geographical Indications legal framework: .....	77
	<b>General Bibliography.....</b>	<b>80</b>
	<b>Bibliography for the cases studies of each country .....</b>	<b>83</b>

## **I. Background: the opportunities of Geographical Indications to provide protection of traditional indigenous biodiversity products and provide benefits to poor agricultural communities**

### **1. Biodiversity, Access and Benefit sharing and Intellectual Property Rights**

Developing countries are rich in biodiversity, and a number of attractive native products are traditionally derived from domesticated and wild plants and animals. Accessing and using biological diversity is fundamental for developing new products and services that will help human communities cope with the challenges of food security and climate change. While the traditional knowledge of indigenous and local communities has been recognized as essential to our understanding of biological diversity, the way in which the access to, and use of, biological diversity should be designed to ensure fair and equitable benefits and contribute to sustainable development, has attracted considerable attention at the international level.

The current international policy and legal framework that addresses the access and benefit-sharing (ABS) issue includes the Convention on Biological Diversity (CBD) adopted in 1992, its Nagoya Protocol on *Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization* adopted in 2010, and the International Treaty on Plant Genetic Resources for Food and Agriculture (International Treaty on PGRFA), which was adopted in 2001. The principle of ABS is that any user of genetic resources should obtain the prior informed consent of the provider of said genetic resource and share the benefits arising from their utilization in a fair and equitable manner. With the principle of access and benefit-sharing, the CBD seeks to counterbalance the expanding patent regime by exchanging the common heritage principle with that of national sovereignty over genetic resources. While the CBD and its Nagoya Protocol deal with all biological diversity, the International Treaty on PGRFA is specifically dedicated to PGRFA, justified on the basis that ABS for agricultural biodiversity must be treated differently to ensure the continued flow of genetic resources and to lower the transaction costs involved through the establishment of a Multilateral System for Access and Benefit-Sharing for a number of crops that have been selected on the basis of their importance for food security and the extent of countries' interdependence on access to those resources.

In parallel to the discussions on ABS issues, many studies have tried to look at how Intellectual Property Rights (IPRs), especially the system of the International Union for the Protection of New Varieties of Plants (UPOV Convention – signed 1961 and revised in 1972, 1978 and 1991) and the legally-binding Agreement on Trade-Related Aspects of Intellectual Property rights (TRIPS), signed in 1994 in Marrakech which establishes minimum standards for IPR protection for all WTO (World Trade Organisation) Members, can be better articulated to facilitate the objectives of the CBD, the Nagoya Protocol and the International Treaty on PGRFA.

Patents were first invested with the task of implementing ABS schemes through the disclosure in patent applications of the origin of genetic resources and traditional knowledge associated to it, especially for patents in the biotechnology field. In May 2006, Brazil, Pakistan, Peru, Thailand and the United Republic of Tanzania, supported by China and Cuba, formally submitted to the WTO's General Council a proposal to amend the TRIPS Agreement ([WT/GC/W/564](#)) in that sense. In addition, patent applicants would have to produce evidence of compliance with requirements in the providing country on prior informed consent to access the genetic resources, as well as fair and equitable benefit sharing. According to the proposal, failure to comply with these requirements should interrupt the process of the patent application or revoke the patent granted, sometimes referred to as a “negative protection” of genetic resources traditional knowledge.

Besides such attempts to modify patent law at the international level and its achievement in some countries, others IPRs have been scrutinized as to their ability to meet CBD objectives in a more direct and evident way. Among all existing IPR, Geographical indications were considered as the most suitable to valorise in a fair and equitable manner traditional knowledge (Survey on existing forms of IP protection for traditional knowledge, [WIPO/GRTKF/IC/2/5](#)). Indeed native products identified with the name of their place of origin have shown potential on domestic and export markets. But incipient quality reputations are at risk from disloyal competition, poor quality management and insufficient understanding on how genetic, location-specific and management factors influence product quality. Geographical Indications are a tool to overcome some of the limitations faced by traditional products on markets. In particular, they can provide protection of the names of traditional local products against any illegitimate use, and their implementation could bring about considerable benefits for poor agricultural communities such as securing added value.

Yet concretely, whereas in the patent area there have been many attempts to provide for ABS schemes, ABS regimes and GIs frameworks haven't been linked concretely with the objective of adapting GIs regimes as to perfume ABS. It was taken for granted that ABS schemes were automatically provided through GIs. Indeed, in GIs the user and the provider of genetic resources are deemed to be the same: the producers of GIs products, i.e. farmers for agricultural products. Yet some deeper analysis is needed and part IV of the report will look at this aspect.

## **2. Geographical Indications: the reputation attributed to the origin**

GIs have been recognized as an intellectual property right first in Southern Europe before their extension at the international level. They are a tool to protect the product's reputation attributable to its geographical place of origin. GIs confer exclusive rights on the use of the geographical name designating such product. Reputation in a large sense, including quality of the product and some specific characteristic is thus the criteria for the definition of GIs, as formalized in the TRIPs Agreement where GIs are '*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*'. All members of WTO have to provide the minimum protection provided in TRIPs but are free to choose the legal means at the domestic level. The factors conferring reputation, embedded in the geographical area, can be detailed at the domestic level. The Lisbon Agreement on the international registration of appellation of origin of 1958, placed under the umbrella of the World Intellectual Property Organization, has introduced the concept of natural and/or human factors to determine the link between the product and its origin, concept introduced then in many national domestic legal framework (for example in Europe and Vietnam).

Natural factors are the soil, the climate, the water of the rivers, the caves and elements of the natural environment such as wild plants, animals. Human factors are the knowledge, know-how and practices in making the product, the plant varieties and animal breeds selected and maintained by farmers, the choice of raw material of quality. Strong interaction between human and natural factors gives way to the so called 'terroir'. However, only human factors can justify a GI for handicraft products, even if in that case we suggest no to use the concept of terroir, but "geographical origin".

Reputation building requires a certain time, and historically, especially in France, only once the geographical name is notorious on the market to identify originating products originating from such geographical area, the geographical name can be protected as a geographical indication. It means



that the product has already been on the market for a certain time, qualifying GI products as traditional products. As the reputation is on the place name and not on a person's name, the reputation is the result of the work of several producers, with GI be qualified as a collective right. The basis for the reputation attributable to the geographical origin, the GI validity criterion is therefore ancient collective know-how localized in a certain area, a particular natural environment.

Historically, in the area of GIs, it is not first the kind of certification which is recognized by consumers (GI logo) as for fair trade or organic agriculture label but the name itself which should be notorious. With products more and more traveling beyond borders and reputation which might be local and not yet international, it calls for the need to market first on the "GI label" to get the name known and famed. Even at the local level, some examples of successful GIs show that reputation can be built during the process of GI protection.

Thanks to the creation of the reputation of the place name of product, GIs benefit from a protection as an IPR. The use of the name is exclusively for products coming from the place of origin and complying with the practices guaranteeing the reputation.

The TRIPs Agreement confers different level of protection which currently is higher for wines and spirits. On-going negotiations propose to extend such additional level of protection to all products. Some legislation already protects GIs according to the highest level all products, as Vietnam for example.

Finally, the TRIPs Agreement does not provide any details about how to implement GI protection at the national level, regarding more detailed grounds for reputation or which stakeholders are concerned. It is thus a choice at the national level to implement GIs beyond intellectual property right in a way to fit policy objectives of the country, being rural development, protection of biodiversity or improvement of small producers living's conditions...or just regulation of trade!

### **3. The conflict between name of plant varieties and Geographical Indications**

In many countries, and in particular in developing countries, most of the names of plant varieties include a geographical name, identical to the geographical name embedded in the geographical indication which is then used to designate the "food" product obtained from the plant variety cultivated in that particular area. In that case, plant varieties can be qualified as local plant varieties, or native landraces guaranteeing a strong link with the geographical origin. Most of the varieties have become local because they have been adopted at some time, in a zone where they are suited to the climatic conditions, the soil, the cultural techniques and above all local needs. They have left traces of their culture, due to their role in the collective memory and ability to bear witness to the role they played in regional economy. This tends to prove that the local or traditional status depends less on the origin of a cultivar than the importance it has acquired in a region through the years.

The recourse to ancient local varieties proves that there is a strong link between the product and its origin which justifies the registration of a GI, but the risk of confusion caused by the homonymy between the variety name and the GI name has yet to be solved.

Indeed, what happens when a variety spreads beyond its region of origin and the geographical name of its cradle of origin is used to designate the variety even though it is grown elsewhere? According to this hypothesis, reserving the name of the variety for the sole benefit of producers of the region of origin can be detrimental for producers of other zones. Moreover the public can be confused

when the same geographical name is used for a variety cultivated in different zones. We can suppose that there is no cause for confusion when the variety is not cultivated outside the geographical area whose name designates the variety and is referred to as a local endemic variety. It is thus necessary when registering a GI on an agricultural product little processed or non-processed to look at whether there is any overlap with the name of the plant variety. Some national legislation such as the European one, provides rules dealing with such risk of conflicts, others do not. In this regard, Part IV of this report proposes some recommendations.

#### **4. The opportunities and threats of Geographical Indications regarding biodiversity**

Even if the first purpose of GIs was not to protect biodiversity but the reputation of a product, specific local biological or genetic resources, high degrees of biodiversity, provision of ecosystem, specific landscape functions or good agricultural practices can be a major factor for explaining such reputation.

Schematic assessment of the contributions of specific GIs to the conservation of biodiversity is at two levels: first, genetic and biological resources, and second landscapes and ecosystems.

GIs will protect biodiversity in the sense that a particular variety or ecosystem, distinct from neighbouring ones will be maintained. For example, GI product's specificity can be closely linked to the use of unique and locally-adapted genetic resources, and its governance includes the sustainable management of local landraces or breeds.

Specificity is the rationale behind GIs and many GIs will valorise many different specific products. Yet at the level of one particular GI, even if that product provides for the use of a traditional landrace, the GI itself cannot necessarily support biodiversity as the product identified by the GI can be restricted to only one variety, which shall be stable and homogeneous.

There are in France some cases where the GI specification, also called code of practices, requests traditional varieties or breeds to be used: "Petit épeautre de Haute-Provence" (einkorn, *Triticum monococcum*), and Sweet onion from Cévennes, Tarbes bean (haricot tarbais). On the contrary, many products processed from pork meat do not mention specific breeds of pork. Five traditional pig breeds have been saved in the 80's, but no GI – for the moment – requests the use of their meat, and they represent a very small part of pork products consumed. As traditional breeds are not protected through a GI, they are threatened. Conversely, in the wine sector, well spread varieties are used, with the combination between common varieties, the soil, climate and methods of production being unique.

GIs relying on particular landscapes that confer uniqueness to the product such as agro-biodiversity systems are not so frequent but exist in France. For example, Beaufort cheese code of practices states that milk can only come from local breeds Tarine and Abondance and that they should be fed at least with 75% of local grass and hay. On average the cows should produce not more than 5000l of milk/year. Local breeds, local feeding, and limitation of production (and of course raw milk) are contributing to enhancing biodiversity and to maintain the landscape. Another example is Normandy orchards planted of local apple varieties used in cider which permit combinations that produce induced biodiversity such as multiple productions (grass, milk, meat, dairy products, and drinks).

In conclusion, biodiversity will be protected by GIs depending on the way GIs are implemented by stakeholders and in particular by producers, but it is very little formalized in law as being a compulsory criteria.

Indeed one threat for biodiversity is the belief of the need to standardize the plant variety to comply with the stability and homogeneity criteria. For example, Chataîgne d'Ardèche GI application which comprised a list of 65 traditional varieties was considered lacking homogeneity by the European Union Commission during scrutiny. In Vietnam, the need of the description of pure lines of varieties of sticky rice in the area of Kinh Mon has led to breeding programs aiming to standardize the variety, which then lacks a strong link with the place of origin. Therefore a collective trademark and not a GI has been registered.

Thus potentially negative trends identified lie in the specialization of GIs in particular genetic resources (landraces or breeds) while excluding others. Overexploitation of resource's to respond to consumers demand is another risk of loss of biodiversity. Increased of surface of production might destroy the whole landscape and ecosystem or the replacement of traditional varieties by evolved one with higher yields might led to the extinction of biological resources. Basmati rice in India illustrates the shift towards evolved varieties with higher yields to meet consumers' increasing international demand since the 1990's. To conclude with Larson, *"Linking a GI to a specific variety, breed or subspecies as a response to productivity and market demands marginalizes other genetic resources that are biologically and culturally relevant"*.

## **5. The opportunities of GIs for small scale farmers**

GIs are first an IPR protecting the reputation attributed to a place, build over human skills and practices of producers, i.e. farmers in the case of agricultural goods. GIs in TRIPs Agreement do not provide per se any rule regarding the nature of producers and no rule guarantying per se that small scale farmers will benefit more from GIs than bigger farmsteads. Reputation only request some tradition and collective know-how which can be held by any kind of producer. Yet GI registration implies the selection of certain practices, certain resources and a certain area among various options. This is where strategic choice may favour small scale producers or big ones. Policies implementing GIs can favour poor producers, such as indigenous peoples or ethnic minorities by selecting in the GI specification their traditional knowledge and practices in making the GI product. Schemes of governance are needed to ensure that the added value goes to the local producers. One issue is how producers are involved in defining the geographical area and the conditions of production of the product which determines who is included and who is excluded. One threat is the fact that the state is the owner of the GI which does not belong to indigenous people. Existence of big players in the supply chain might lead to the same results of exclusion of small-scale producers.

The situation of producers of raw material for processed goods is particularly striking as the added value might reside more in the hands of the processors. The existence of governance structures that organize the value chain to reach the market, invest in the intrinsic quality of the product and defend its values in trade is, perhaps, the most important condition for GI implementation.

Another issue is how producers can use the GI: are they required to comply with a burdening and costly controlling procedure? Quality control is indeed required to maintain the reputation of the product on the market, and its management might be easier for big producers than for small ones. The 2006 reform in France imposing control of GIs by third parties resulted in the disappearance of

some small local value chain that are no longer able to access the market under the GI scheme because of the costs of the control involved.

In order to use GIs as a tool to support small scale producers, it is important to add value to GI products. For example, in Indonesia, even if the situation may evolve little by little, it has to be underlined that the already registered GI products are up to now rarely sold under GI scheme as it has been difficult for producers to convince buyers to pay a premium price for products which are now recognized and labelled as GI products. For example only a little percentage of Kintamani Bali coffee and Gayo coffee is sold under the GI scheme. The difficulty of marketing GI products may seem paradoxical in a context which establishes that there is an increasing market for origin products, but the “dependency path” of the supply chains has to be taken into account. The markets for recognized GI products have to be created, and this creation is a challenging innovation, which asks for an important level of collective action. To be successful two conditions are to be met: the marketing of GI products on supply chains which are compatible with, or even which are asking for, GI-certified products; a strong capacity of collective action among the producers. There is a need of awareness campaigns in rural areas, in order to highlight the benefits that GIs can bring to producers and get their interest to play an active role in GI construction and management. Same dissemination campaigns about the GI concept among consumers shall also be a priority.

In all Asian countries studied, there is an urge to reinforce the appropriation and collective management of GIs by local communities, evolving from a State-lead and “top-down” approach to a more “bottom-up” and community-based system.

## **6. First conclusions on conditions for GIs to preserve biodiversity and small scale farmers**

If GIs are to contribute to policy objectives such as biodiversity conservation and poverty alleviation, they have to evolve and develop - not only as an IPR over the use of geographical names in trade but also as an innovative axis to articulate regional value chains in the context of rural development, and growing suburban and urban populations in developing countries.

An issue at stake is whether conditions for supporting biodiversity conservation and poverty alleviation shall be included as mandatory in national legal frameworks on GIs, in some public policies supporting GIs at the national level, or shall just be recommendations towards all stakeholders and more particularly authorities in charge of scrutiny and registration of GIs.

The same debate of mandatory versus recommendation occurred around the issue of the disclosure of origin of genetic resources in patent applications in order to operate fair and benefit sharing between providers and users of genetic resources occurred in many developing and emergent countries at the international scene. Shall such criteria of disclosure become a criterion of validity of patents and thus a criterion to comply with to get the patent granted, even if the origin of genetic resources is not the initial rationale of patent or just left as an option?

For example, in France, during debates on GIs at the National Assembly in 2013, socio and environmental conditions were proposed to be included as one of the items of the GI specification, but were finally considered as not mandatory. Policy recommendations at the national level could include as much as possible that local and traditional varieties shall be valorised, with a diversity of varieties and with the prohibition of GMOs for example.

It is actually difficult for GIs to protect all the attributes of a product, namely: reputation, tradition, biodiversity, taste, generic quality. So there shall be not to over-expect from GI in general, but to recognize what GI allow through adapted governance and relevant provisions in the code of practices. Part IV of the report provides some recommendations to increase potential of GIs to support biodiversity and poor farmer's communities.

## II. The legal frameworks in the 6 countries

### A. Legal framework on GIs

All the target countries of the study except Ethiopia are members of the WTO and thus obliged by TRIPs obligations regarding GIs. Ethiopia is negotiating its accession to WTO since 10 February 2003 and there has been cooperation regarding drafting and implementing a GI national legal framework. In all these countries, GI is part of the intellectual property legislation.

WTO's accession:

Cambodia		October 13, 2004
Lao People's Democratic Republic		February 2, 2013
Indonesia		January 1, 1995
Mauritania		May 31, 1995
Viet Nam		January 11, 2007

Salient and brief provisions cited from the legal frameworks are identified below with the objective to highlights the main characteristics of a GI system according to the following key elements:

#### Key elements of the legal frameworks in the target countries

- a. GIs: For what? Definition of GI; kind of goods, specification
- b. GIs: for whom? Definition of applicant/users
- c. GIs: What's for? Definition of right conferred
- d. GIs: How to do it? Registration and controls

#### 1. Cambodia:

Cambodian law “Prakas on the Procedures for the Registration and Protection of Marks of Goods which include a Geographical Indication”, Ministry of Commerce, No. 105 MOC / SM 2009, was established following a project funded by Agence Française de Développement (Afd) and thus includes many European principles. GIs are managed by the Department of Intellectual Property, under the Ministry of Commerce.

Cambodia's GI law pursue the following objective: “the purpose of protecting the intellectual property rights of the producers, operators, and consumers of Geographical Indication products, and to preserve and strengthen the knowledge, traditional know-how and national identity in order to create jobs rural areas, to develop communities, to reduce poverty, and to attract tourists”.

##### a. For what: definition of GI

- Mark of Goods which includes a GI refers to a name, symbol or any other sign which is used for calling or representing a geographical origin and can identify the goods as originating in such geographical origin where the quality, reputation or other characteristic of the goods is essentially attributable to the geographical origin.

- Goods are agricultural goods, foodstuffs, handcrafted goods, and other goods which are produced or transformed in Cambodia.
- Book of Specifications: document elaborated by the applicant, specifying the geographical area of goods, production conditions and qualification process.

b. For whom: definition of Applicant/Users

Any natural or legal person of GI association, or group of producers, or producer organization, or operator (natural or legal person involved in the collection, transformation, processing, trading, or distribution of GI goods) having an interest can apply for a GI.

c. What's for: definition of Right conferred

- Producers and/or operators whose practice is compliant with the book of specifications have the absolute right to use the GI. This right is not transferable.
- The validity and renewal of GI registration is for 10 years and shall be renewed.
- The Ministry of Commerce shall have the right to cancel the registered GI before the expiration date in the case of following: no action taken concerning the planning control stipulated in the book of specifications; applicant fails to provide additional documents or information to the Department of Intellectual Property in response to the request in the case of changing modality, registration procedure.
- Prohibited Geographical Indications: indication that become a General Term; indication that affects the name of plant or any type of animals.

d. How to do it?

Registration of GI

- The Department of Intellectual Property organizes the preliminary examination procedure on the application within a period of no later than 90 days from the date of filing;
- Department of Intellectual Property shall review the application as accurately completed in compliance with the conditions and shall issue an acknowledgment of Filing Instruction or Rejection officially.
- The Acknowledgment of Filing Instruction shall be identified by the filing date and application number.
- The Rejection of Application shall be clarified with the reason of rejection and the applicant shall be notified. The applicant may correct the application within the correction period, or the application will be deemed abandoned.

- If necessary, the ministry of commerce has the authority to determine any additional provisions for reviewing the substance of application.
- The Department of Intellectual Property shall supervise the efficiency of the certification body issued from the Ministry of Commerce.
- In reviewing the substance of application, the Department of Intellectual Property may invite the applicant or any related person to provide an additional explanation or evidences. If necessary, the Department of Intellectual Property may seek advice from experts in the field in order to consider and make a decision.

## Control of the GI

- The verification of conformity of the GI with the book of specifications shall be guaranteed by the competent and impartial public authority, or public organization, or private organization officially recognized by the International Standard Organization 65. The verification must comply with the guidelines of ISO 65, or of any other ISO with the agreement from the ministry of commerce. The annual report of the organization issuing certificate on the quality of GIs goods shall be sent annually to the Department of Intellectual Property and include the list of operators, products, quantity acknowledged and punishment imposed if any.
- The applicant may select the certification body by himself. This selection is a part of the application and shall be examined and approved by the Department of Intellectual Property of the Ministry of Commerce.
- In case of non-compliance with the book of specifications by any producer or operator, appropriate measures and punishment shall be taken by the certification body as follows:
  - Remarks made to operator or producer
  - Warning made to operator or producer
  - Disqualification of one lot of product
  - Temporary revocation of the rights to use the GI by the operator or producer.
  - Definitive revocation of the rights to use the GI by the operator or producer.

## 2. Laos

GIs are part of the Law on Intellectual Property No 01/NA dated December 20th 2011.<sup>1</sup> The Department of Intellectual Property in the Ministry of Science and Technology Intellectual Property is below the Ministry of Sciences and Technology.

### a. For what? Definition of a GI

- GI means a sign used to indicate a good as originating in the territory of a country or region or locality in that territory, where a given quality and reputation or other characteristic of the good is essentially attributable to its geographical origin.

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<sup>1</sup> Presented by: Dr. Khamphet VONGDALA, Director of Trademarks Division at Ecap meeting in Hanoi, 13 May 2013.



- Such quality, reputation, or characteristic may be based on natural factors including conditions of the soil, air, water, ecology, and other natural conditions or on human factors including skill and the experience of the manufacturers and traditional production methods of that locality.

- Specification (book of requirements):

1. Define the goods, which shall be protected including the data of producers such as address of producers, the resource of raw material until the last process
2. Specification and standard of product based the understanding of consumer such as product of origin, which has specific characterization;
3. Base information where the good is produced such as village district, province etc zoning and boundary setting as area; Information prepared prior to the registration of GI
4. The application for registration with the booklet of processes, such process of production for reference of filing;
6. Plan for management of product of GI

b. By Whom? Applicant/users

- There are no provisions related to the nature of the applicant.
- Only producers who carry out business undertakings within the geographical region specified for the GI may use the registered GI on or in connection with the goods to which the GI relates.

c. For what? Protection conferred

- GI are benefiting from the standard protection of TRIPs Agreement, i.e. against:

1. applying the GI to goods or including the GI in a trademark, and to prevent the sale, advertising, importation, or export of goods bearing such indication or including the GI in such trademark;
2. the use of a GI where related to wines or spirits, even in translation or accompanied by expressions such as "kind", "type", "style", "imitation" or the like;
3. a GI which, although literally true as to the territory, region or locality in which the goods originate, falsely represents to the public that the goods originate in another territory;

- Unlimited Term of Protection
- Generic names are not protected: names of GIs which have become customary names of such goods in the Lao PDR; GI of another country where such GIs are not or cease to be protected in their country of origin, or which have fallen into disuse in that country;
- Confusing GIs are not registered: GIs which are likely to mislead or confuse consumers as to the true source origin of goods;
- Prior trademarks are a ground of refusal of GIs: GIs which are identical with or similar to protected trademarks where use of the indications will lead to misunderstanding or confusion as to the origin of the said goods;

- No GIs on names of grape variety, no GIs that is homonymous with a protected GI for wine.

d. How to do it?

- The registration applications for GI will not be requested to examine as to substance.
- Duties of the Department of Intellectual Property
  1. receiving and examining applications forms;
  2. receiving oppositions and counterstatements;
  3. registering GIs;
  4. mediating GIs disputes;
  5. managing the GIs Register
  6. publishing the Geographical Indication.

### 3. Indonesia

GIs in Indonesia are part of the Trade Marks Law No.15 of 2001 (State Gazette of 2001 No.110, Supplementary State Gazette No. 4131) and its Decree of 4th of September, 2007, n°51-2007, adopted following discussions and co-operations engaged between Indonesian Government, EC-ASEAN Intellectual Property Rights Co-operation Programme (ECAP) and French Cooperation.

The registration of GIs in Indonesia has not been possible before the promulgation of the decree of 2007. Six years have been necessary to solve many issues regarding the protection level, the arbitration of the eventual conflicts between marks and GI, the role of Local Governments, the possibility for GIs to protect also handicrafts products, traditional know-how, natural resources.

Indonesia has since then implemented a sui generis system for GI, very complete and sophisticated, but under the Trade Marks regime, managed by the Directorate General of Intellectual Property Right (DG) under the Ministry of Justice.

a. For what? GI definition

- A GI shall mean a sign which indicates the place of origin of a good, which due to its geographical environment factors the nature, the people, or the combination thereof gives specific characteristics and quality on the goods produced.
- Goods may be agricultural products, foodstuffs, handicrafts, or any other goods
- Book of Requirements: contains information on the description concerning the quality and specific characteristics of a good which can be used to differentiate one good from other goods of the same category. It shall describe:
  - the specific characteristics and quality which differentiate the particular good from other goods of the same category, and explain the relation with the place by origin where the good is produced;

- the geographical environment and the natural and human factors which as a unity give effect on the on quality or characteristics of the good produced;
- the boundaries of region and/or map of the area
- the history and tradition in relation to the use of GI to designate the good in that area including a description of the recognition by the relevant public
- the production process, processing, and process of making which is used as to allow as to allow any producer within the region to produce the relevant good;
- the method used to examine the quality of good produced.

b. For whom? Applicant/Users

- The applicant is an institution that represents the community in the area where the good is produced, which consist of:
  1. parties who undertake business on goods of natural products, or natural resources;
  2. producers of agricultural products;
  3. persons who make handicrafts, or industrial products; or
  4. trades who sale the goods;
  5. an institution that is given the authority to do so; or
  6. A group of consumers of the goods.
- Producers shall register as user at the DG and attach a letter of recommendation from a competent technical authority.

c. What's for? Protection conferred

- A GI cannot fall into the public domain and shall be protected as far as the specific characteristics and quality which have been the basis of the grant of the protection still exist.
- GI cannot be registered if it
  - a. Contradicts with laws and regulations, religious moral values, ethics or public order;
  - b. Misleads or deceives the public as to the characteristics, natures, quality, place of origin, production process of the good and/or its use.
  - c. Constitutes the name of local geography that has been used as the name of a plant variety, and used for the same plant variety;
  - d. Has become generic.

- Infringement of GI includes:

- a. direct or indirect use of GI for commercial purposes on goods which do not comply with the Book of Requirements;
- b. direct or indirect use of sign of GI for commercial purposes on goods which are protected or not protected with an intention:
  1. to show that the goods have a comparable quality with those protected by GI;
  2. to gain benefits from such use; or
  3. to gain benefits from the reputation of the GI.
- c. use of a GI which misleads the public as to the geographical origin of the goods.
- d. use of GI without right even though the place of origin of the goods is indicated.

- e. Imitation or other misleading use which can be misleading as to the place of origin or the quality of the goods reflected in the statements appearing: on packaging or wrapping; in advertising materials; on documents concerning the goods; or information which can be misleading as to the place of origin in case of packaging or wrapping; o
- f. Any other practices which are likely to mislead the general public as to the true origin of goods.

- A prior use of the name registered as a GI

For identical or similar type of goods a sign used with good faith by another party who has no right to use the GI, may continue to be used for a period of 2 years from the date of its registration as a GI. In the case prior use is on the base of a registered trademark, then the use of sign as a mark with good faith by the other party who has no right to use the GI will still be possible provided that the user of mark states the truth regarding the place of origin of goods and guarantees that the use of the mark will not mislead the registered GI

d. How to?

- There is both an administrative examination conducted by the DG and a substantive examination conducted by the GI Expert Team.
- The GI Experts Team is a non-structural body which undertakes evaluation of the Book of Requirements, and gives advice/recommendation to the Directorate General Members of the GI Experts Team, appointed and dismissed by the Minister for a period of service of 5 (five) years, consist of experts who have expertise in the field of GI and come from representatives of the DG; representatives of the ministries whose scope of duties and responsibilities related with agriculture, forestry, industry, commerce, and/or other relevant ministries; representatives of authorities or institutions in charge of inspecting and/or controlling the quality of goods; and other qualified experts. The GI Experts Team is assisted by a Technical Evaluation Team which consists of members based on expertise, established by the DG upon the recommendation from the GI Experts Team. The GI Experts Team shall conduct a substantive examination within a period of 2 (two) years at the latest
- Opposition: during the period of publication any party may file an objection to the Application to the DG
- Amendment of Book of Requirements after Registration is provided by the law in accordance with development in the field of scientific and technology or the change of geographical boundaries.
- Control of User of GI: Any person can submit his/her observation on the user of GI to the competent authority with a copy to the Directorate General that the information contained in the Book of Requirements concerning the good protected by GI is not fulfilled. The Directorate General shall convey it to the GI expert team. The GI Experts Team shall, within a period of 6 (six) months at the latest from the receipt of result of observation as referred to paragraph (3), examine the result of observation and convey the result of examination to the DG including any necessary acts that should be taken by DG.
- Lawsuit may be filed by any producer having the right to use the GI; an institution representing the society; or an institution that is given the authority to do so.

#### 4. Vietnam

Vietnam has inserted GI in the Law on Intellectual Property No. 50/2005/QH11 and several decrees (DECREE NO. 103/ 2006/ND-CP, Decree 122/2010/ND-CP). Before, GIs were protected as appellation of origin introduced in the Civil Code of 1995 following cooperation with France.

##### a. For what? GI Definition

- GIs are for product originating from the area, locality, territory or country corresponding to such GI, and having reputation, quality or characteristics essentially attributable to the geographical conditions of the area, locality, territory or country corresponding to such GI.
- Reputation is determined on the basis of trust consumers have in the product through the extent of wideness to which it is known and selected by consumers.
- Quality and characteristics are defined by one or several qualitative, quantitative or physical, chemical, microbiological perceptible norms which shall be testable by technical means or experts with appropriate testing methods.

- Geographical conditions relevant to a GI shall include natural and human factors:

Natural factors consist of those of climate, hydrograph, geology, terrain, ecological system and other natural conditions. Human factors consist of skills and expertise of producers, and such traditional production process of the locality.

- Any kind of goods

- GI application comprises a book of specification which describes:

The peculiar characteristics or quality, or reputation of the product bearing the GI and characteristics of natural conditions attributing to the peculiar characteristics or quality, or reputation of the product.

The map of the geographical area

The Peculiar characteristics comprise:

- a) Descriptions of the relevant product, including raw materials, and physical, chemical, microbiological and perceptive characteristics of the product;
- b) Methods of determination of the geographical area corresponding to the GI;
- c) Evidence proving that the product originates from such geographical area,
- d) Descriptions of the local and stable methods of the production and processing;
- dd) Information on the relationship between the peculiar characteristics or quality, or reputation of the product and the natural conditions
- e) Information on the self-control mechanism of the peculiar characteristics or quality of the products.

##### b. For Whom? Applicant/Users

- Ownership: The right to register GIs of Vietnam belongs to the State. The owner of Vietnam's GIs is the State.

- Right to register: the State allows organizations and individuals producing the product bearing the GI, collective organizations representing such organizations and individuals or the administrative authorities of the locality to which the GI pertains to exercise the right to register such GI, but they will not become the owner of such GI.
  - Right to manage: The State shall directly exercise the right to manage GIs or shall grant that right to the organization acting as the representative of all other organizations or individuals granted with the right to use GIs.
  - The State grants the right to use GIs to the organizations or individuals producing the products bearing GI in a relevant locality and putting those products out to the market.
  - The right to management of GIs is conferred to
    - a) The people's committee of the province or city where the geographical area corresponding to the GI is located;
    - b) The people's committee of the province or city authorized by other people's committees of the provinces or cities where the geographical area corresponding to the GI is located, if the GI concerns more than one locality.
    - c) Agency or organisation assigned by People's Committees of provinces and cities if such agency or organisation represents the benefits for all organisations and individuals having the right to use such GIs.
  - The owner, the "user" and the "manager" of the GI have the right to prohibit other persons from using such GIs.
  - c. What's for? Protection conferred
    - Prior trademarks identical with or similar to GI can continue to be used if such mark has acquired the protection in a truthful manner.
    - Acts of infringing GIs
      - a. Using the protected GI for products that do not satisfy the peculiar characteristics and quality of the product having the GI although such products originate from a geographical area bearing such GI;
      - b. Using the protected GI for products similar to the product having the GI for the purposes of taking advantage of its the reputation and goodwill;
      - c. Using a sign identical with or similar to the protected GI for products not originating from the geographical area bearing the GI and therefore causing consumers mislead about the products originating from that geographical area;
      - d. Using a protected GIs of wines or spirits for the wines or spirits that are not originating in the territories corresponding to the GI, even where the true origin of goods is indicated or the GI is used in translation or transcription or accompanied by such words as "kind", "type", "style", "imitation" or the like.
    - The rights to a GI shall not be assigned.
- Termination of the GI if the geographical conditions attributable to the reputation, quality or characteristics of the product bearing a GI have changed resulting in a loss of the reputation, quality or characteristics of the product.

d. How to?

- People's Committees of provinces or centrally run cities shall file applications for registration and organize the management of GIs used for local specialties.
- No provision on examination, no provision on controls

## 5. Ethiopia

Ethiopia has been planning to join the WTO and is currently dealing with the accession process started in 2003 which will culminate in Ethiopia's obligation to reform its IP laws in general and that of GIs in particular.

Currently, GIs are protected with trademark law: Trademark Registration and Protection Proclamation No.501/2006, Federal Negarit Gazeta of the Federal Democratic Republic of Ethiopia, 12th Year, No.37, 2006.

a. For what? Definition of GI

- Protection of GIs as collective trademark distinguishing the goods or services of members of an association from those of other undertakings.
- The trademark shall not consist "exclusively of signs or indications which designate geographical origin of goods."
- The law does not provide for any differential treatment for collective trademarks or certification trademarks to serve as GIs in the context of indicating geographical origin.

b. For whom? Applicant/user

- Association shall apply for the trademark which is used by the members of the association.

The governing statutes of the association shall indicate the rights and obligations of the parties concerned in the event of infringement of the collective trademarks.

c. What's for? Protection conferred

- Once the GIs are registered as collective trademarks, they are protected against the registration of a trademark that is likely to mislead the public or the business community in particular as regards the geographical origin of the goods concerned, or their nature or characteristics.

d. How to?

- Ethiopian Intellectual Property Office (EIPO) was established in 2003.
- Applications for registration of GIs as collective trademarks are filed before the Office which carries out examination of the applications on absolute grounds, in addition to the opposition procedure available on relative grounds (conflicting rights of third parties). The renewal of trademarks is also taken care of by the Office every seven years upon the application of the owner.
- The Office is also entrusted with the duty of overseeing the proper use of the registered collective trademarks in accordance with the governing statutes of the association.

## 6. Mauritania

Mauritania is part of the Organisation Africaine de la Propriété Intellectuelle (OAPI, in english: African Intellectual Property Organization) headquartered in Yaoundé, Cameroon, created by Bangui Agreement of March 2, 1977, and amended in 1999. Annex VI of the Bangui Agreement is devoted to GI. It comprises a section on GIs.

OAPI's 17 member states are mostly French-speaking countries: Benin, Burkina faso, Cameroun, Centrafrique, Congo, Côte d'Ivoire, Gabon, Guinée , Guinée Bissau, Guinée équatoriale, Mali, Mauritanie, Niger, Sénégal, Tchad, Togo, Union des Comores.

The OAPI system is very original:

- OAPI is the common IP office of its member states and delivers centrally all IP titles, which are valid in all member countries;
- Any application to the Administration of any members State is valid as a national application in each member State;
- There is no coexistence of national protection systems with the regional system;
- Sanctions against infringements to IP rights are of the responsibility of the jurisdiction of each member State;
- Definitive judicial decisions about IP titles validity rendered in one of the state Members are authoritative in all members States.

### a. For what? GI definition

- For indication that serves to identify a product as originating from a territory, a region, or a locality within that territory, in those cases where the quality, reputation or other specific characteristic of the product may be essentially attributed to such geographical origin.
- For any kind of production: natural, agricultural, craft or industrial.
- The application includes a “light” specification which describes the geographical area; the products and their quality, reputation or other characteristic.

### b. For Whom? Applicant/user

- The applicant is any natural or legal persons carrying on an activity as a producer in the geographical area as well as groups of such persons, groups of consumers and any competent authority.
- Producer” means
  - any producer of agricultural products or any other person exploiting natural products,
  - any manufacturer of products of craft or industry,
  - any trader dealing in such products.

### c. What’s for? Right conferred

- The indication is protected according to the so-called “additional protection”:



It is unlawful to use, for commercial purposes, a registered GI, or a similar designation, with respect to the products specified in the Register or similar products, even if the true origin of the products is indicated or if the GI is in the form of a translation or is accompanied by terms such as “kind”, “type”, “make”, “imitation” or the like.

- Trademarks containing a GI are authorised if their use is not liable to mislead the public as to the true place of origin.
- Prior trademarks identical with or similar to a GI may continue to use his mark, except where such mark concerns wines or spirits.

d. How to?

- The application is filed at the competent national authority for GIs for each country and then forwarded to OAPI for its examination and registration.
- Control and repression are the responsibility of member States who may decide by regulation that the quality of products put on sale or used under a registered GI shall be subjected to control or that the use of such GI shall be prohibited.

***B. List of GIs already registered in the target countries***

GIs can be registered for products originating from the country itself or from foreign countries except for Cambodia whose law only provides for the registration of domestic GIs.

**1. Cambodia**

<p><b>GIs registered in Cambodia</b> 1. Kampot Pepper 2. Kampong Speu Palm Sugar</p>
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Among these two products, there are no clear cases where there are considerations towards biodiversity or small-scale farmers.

**2. Laos**

No GIs are registered yet but there are two applications in the process: Khao kay noi (small chicken rice) from Houaphan and Xieng Khouang provinces and Coffee from the Bolovens.

The website of Asean IP<sup>2</sup> indicates that 1 GI has been registered in 2009, 4 in 2010 and 6 in 2011!

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<sup>2</sup> www.aseanip.org

### 3. Indonesia

They are 23 GIs registered in Indonesia.<sup>3</sup>

#### **GIs registered in Indonesia**

1. Kintamani coffee (Bali)
2. Champagne
3. Sculpted furniture of Jepara
4. White Pepper from Muntok
5. Coffee from Gayo
6. Pisco
7. Black tobacco from Sumedang
8. Tobacco "Mole" from Sumedang
9. Parmigiano Reggiano
10. Horse milk from Sumbawa
11. Water spinach from Lombok
12. Honey from Sumbawa
13. Rice Adan from Kerayan
14. Coffee Bajawa from Flores
15. Purwaceng from Dieng (aphrodisiac plant)
16. Carica from Dieng (aphrodisiac plant)
17. Vanila from Alor
18. Coffee from Kalosi Enrekang
19. Sweet potato from Sumedang
20. Salak Pondoh Slemang from Jogja (salak = snake fruit)
21. Essential oil of patchoulli from Aceh
22. Coffee from East Java
23. Coffee from Java Ijen

Among this list of products, there are no clear cases where there are considerations towards biodiversity or small-scale farmers.

### 4. Vietnam

Vietnam has been active in registering GIs, with 39 GIs until now. The Ministry of Agriculture and Rural Development, the Ministry of Fisheries and the Ministry of Industry take the leading role and coordinate with People's Committees of provinces and cities under central authority to determine the specialities, features of products, production process of such specialities.

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<sup>3</sup> <http://www.dgip.go.id/images/adelch-images/pdf-files/permohonan-ig-terdaftar-oktober-2013.pdf>

### **GIs Registered in Vietnam**

1. Phú Quốc Fish sauce
2. Mộc Châu Shan Tea
3. CognacAlcohol
4. Buôn Ma Thuật Coffee
5. Đoan Hùng Pamplemousse
6. Bình Thuận Dragon fruit
- 7 Lạng Sơn Star Anis
- 8 Pisco (Peru) Alcohol
- 9 Thanh Hà Litchi
- 10 Phan Thiết Fish Sauce
- 11 Hải Hậu aromatic rice
- 12 Vinh Orange
- 13 Tân Cương Green tea
- 14 Hồng Dân Rice
- 15 Lục Ngạn Litchi
- 16 Hòa Lộc Mango
- 17 Đại Hoàng King Banana
- 18 Văn Yên Cinamon
- 19 Hậu Lộc Shrimp sauce
- 20 Huế conic hat
- 21 Bắc Kạn Kaki
- 22 Phúc Trạch Pamplemousse
- 23 Scotch whisky Alcohol (Scotland)
- 24 Tiên Lãng Tobacco
- 25 Bẫy núi Aromatic rice
- 26 Trùng Khánh Chesnut
- 27 Bà Đen Annone
- 28 Nga Sơn Souchet
- 29 Trà My Cinnamon
- 30 Ninh Thuận grape
- 31 Tân Triều – Đồng Nai  
Pamplemousse
- 32 Bảo Lâm – Lạng Sơn Kaki
- 33 Bắc KanMandarine
- 34 Yên Châu Sơn La Mango
- 35 Mèo Vạc Hà Giang Honey from  
mint alcohol
- 36 Salt from Bac Lieu
- 37 Orchidee from Yên Tu
- 38 Fried calamari from Halong

Among this list of products, there are no clear cases where there are considerations towards biodiversity or small-scale farmers.

## 5. Ethiopia

Harar, Yirgachaffe and Sidamo are registered as trademarks for coffees in the US (Trademark numbers 3440595, 3126053, 3381739) and in Ethiopia on the name of the government of Ethiopia.

### **GIs registered in Ethiopia**

1. Harar
2. Yigarcheffe
3. Sidamo

## 6. Mauritania

GIs registered by OAPI are simultaneously protected in each member. Thus, the two GIs registered by OAPI in September 2013 (Oku white honey and Penja Pepper from Cameroon) are protected in Mauritania, as is Ziama-Macenta coffee from Guinea. Champagne has also been registered by OAPI many years ago.

Some aspects of the GIs registered in OAPI are worth mentioning in relation with biodiversity. Oku honey is the product of a protected afro-montane altitude forest (Kilum Ijim forest) which is a biodiversity hotspot (endemic birds). The special quality of the honey is linked to flowering trees, especially *Schefflera abyssinica*.

### **GIs registered in Mauritania**

1. Oku Honey
2. Penja Pepper
3. Ziama-Macenta Coffee
4. Champagne

### ***C. Legal framework on Access and Benefit-Sharing***

All target countries have signed the Convention on biological diversity (Rio, 1992) and only Vietnam did not access<sup>4</sup> the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity, nor the International Treaty on Plant Genetic Resources for Food and Agriculture of FAO.

For Southeast Asian countries, since 2011, the Asean Centre for Biodiversity, in partnership with the United Nation University (UNU) Institute of Advances Studies and the Asean Secretariat has been implementing the UNEP-GEF regional project “Building Capacity for Regionally Harmonized

<sup>4</sup> Nagoya Protocol accession :

Cambodia	February 1, 2012
Lao People's Democratic Republic	Accession: September 26, 2012
Indonesia	May 11, 2011
Ethiopia	Accession: November 16, 2012
Mauritania	May 18, 2011

National Processes for Implementing CBD Provisions on Access to Genetic Resources and Sharing of Benefits.<sup>5</sup> Moreover, to assist Southeast Asian countries in the implementation of the International Treaty on PGRFA, with a particular focus on its Multilateral System of ABS, the Food and Agriculture Organization of the United Nations (FAO) is implementing the three-year (2012-2015) regional project “Enhancing understanding and implementation of the International Treaty on Plant Genetic Resources for Food and Agriculture in Asia” in which Cambodia, Indonesia, Lao and Viet Nam participate.

## **1. Cambodia**

Cambodia signed International Treaty on PGRFA in June 2002 and the Nagoya Protocol in February 2012 but has no existing legislation on access and benefit-sharing. Yet, the government, ministries and institutions recognize its importance, especially in order to make the Nagoya Protocol work effectively in the country. An assessment on access and benefit-sharing will be conducted, based on the National Biodiversity Framework and National Action Plan. The status assessment is in the process of the internal consultation and review. There is still a limited understanding of access and benefit-sharing issues, noting that ABS is a new topic / issue to the public, with a constraint in both human and financial resources, to implement policies in relation to ABS.

The agencies responsible for the management of biodiversity and genetic resources are the General Department of Administration for Nature Conservation and Protection under the Ministry of Environment; the Forestry Administration; the Fisheries Administration; the Ministry of Agriculture, Forestry and Fisheries; Ministry of Commerce; the Traditional Medicine Department under the Ministry of Health; and the Ministry of Industry, Mines and Energy.

## **2. Laos**

The Lao ABS National Framework was drafted as a result of a series of consultation workshops under the UNEP-GEF project. While these workshops were ongoing, Lao PDR acceded to the Nagoya Protocol in September 2012 and signed the International Treaty on PGRFA in March 2006.<sup>6</sup>

Laos is still developing human resources and infrastructure support for policies and issues related to access and benefit-sharing. The Science and Technology Research Institute (STRI) of the Ministry of Science and Technology (MOST) would be designated by the Government to fulfil the functions of both focal point and national coordinating authority for the Nagoya protocol.

Though a national framework on ABS is still to be developed, Lao PDR has experiences in access and benefit-sharing in the form of Government-Private-Community relationship, in the case of promoting the plantation of *Aquilaria* species as a Lao National Economic Plant. *Aquilaria*, or Agarwood, is recognized as an important economic plant in Lao, as it produces agarwood oil which is used for the production of incense. Until 2000 Laos and Thailand had a bilateral agreement according to which both countries could access and share their genetic material of high yielding, glutinous rice to improve rice yields through a Laos-IRRI project.

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<sup>5</sup> <http://abs.aseanbiodiversity.org/>

<sup>6</sup> [http://abs.aseanbiodiversity.org/index.php?option=com\\_content&view=article&id=9:lao-pdr&catid=9&Itemid=101](http://abs.aseanbiodiversity.org/index.php?option=com_content&view=article&id=9:lao-pdr&catid=9&Itemid=101)

### 3. Indonesia

Indonesia signed the International Treaty on PGRFA in March 2006 and the Nagoya Protocol in May 2011 (ratified it September 2013). The Cultural Practices Law No. 12/1992 regulates access to genetic resources. However a new Act on Genetic Resources, with provisions for sustainable use and benefit sharing of the use of genetic resources, as well as commercialization of genetic resources, is currently being drafted.<sup>7</sup>

Indonesia identifies three biodiversity conservation pillars: (i) Protection for life support system, which includes the establishment of Protected Areas (i.e. protected forest, coastal, riverine); (ii) Preservation of species and ecosystem, which can be in-situ conservation (national park, natural reserve, etc.), ex-situ (botanical garden, biodiversity parks); and protected flora and fauna; and (iii) Sustainable Use and Benefit Sharing, which also involves ecotourism and biodiversity-based industries (i.e. cosmetics, pharmaceuticals industries).

### 4. Vietnam

Vietnam's Biodiversity Law of 2008 specifies several Chapters with documents related to access and benefit sharing. The government is building dossiers for approval of the Nagoya Protocol.<sup>8</sup>

In relation to ABS, Vietnam's Biodiversity Law 2008, Chapter V from Article 55 to Article 64, provides a number of documents related to access and benefit-sharing. At present, the Division of Genetic Resources Management and Biosafety, of the Biodiversity Conservation Agency of Viet Nam Environment Administration under the Ministry Of Natural Resources and Environment (MONRE), have state management functions over genetic resources and biosafety. The following agencies are also responsible for the management of genetic resources: Ministry of Natural Resources and Environment, Ministry of Agriculture and Rural Development, and the Ministry of Science and Technology. Other agencies involved are the Centre for Plant Genetic Resources, Southern Fruit Research Institute under VAAS, Centre for Livestock Genetic Resources of Vietnam under the National Institute of Animal Husbandry, and the Center for Research and Development of Ethnomedicinal Plants (CREDEP).

Even with existing agencies and policies in relation to management of genetic resources and biodiversity, an ABS mechanism in Vietnam is being proposed to contain the following:

1. The ownership and management of genetic resources;
2. Rights and obligations of organizations and individuals assigned to manage genetic resources;
3. The order and procedures for access to genetic resources;
4. Agreement on ABS;
5. Permit access to genetic resources;
6. Share the benefits derived from access to genetic resources; and
7. Patent traditional knowledge on genetic resources.

Vietnam acknowledges the need for the following activities to be able to carry out the plans for an ABS mechanism:

- Development of a Web page on how to access and benefit sharing of genetic resources

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<sup>7</sup> [http://abs.aseanbiodiversity.org/index.php?option=com\\_content&view=article&id=8:indonesia&catid=9&Itemid=101](http://abs.aseanbiodiversity.org/index.php?option=com_content&view=article&id=8:indonesia&catid=9&Itemid=101)

<sup>8</sup> [http://abs.aseanbiodiversity.org/index.php?option=com\\_content&view=article&id=15:vietnam&catid=9:participating-countries](http://abs.aseanbiodiversity.org/index.php?option=com_content&view=article&id=15:vietnam&catid=9:participating-countries)

- Capacity building and awareness for managers, technical and scientific research for conservation of genetic resources and genetic findings of precious species
- Develop legal documents that are consistent in access and benefit sharing of genetic resources
- The protection of intellectual property rights of organizations and individuals to create new varieties; and
- Promote international cooperation on exchange of experience in access and benefit sharing of genetic resources, and call for support of international organizations

## **5. Ethiopia**

Ethiopia ratified the International Treaty on PGRFA in June 2003 and has acceded to the Nagoya Protocol on November 2012. The Institute of Biodiversity Conservation has been given the mandate to implement the Protocol and follow up its implementation.<sup>9</sup> It adopted the Proclamation no. 482/2006 on Access to Genetic Resources, Community Knowledge, and Community Rights in 2006, however this legislation needs to be strengthened.

## **6. Mauritania**

Mauritania acceded to the International Treaty on PGRFA in February 2003 and signed the Nagoya Protocol on May 2011.

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<sup>9</sup> <http://www.abc.gov.et/2349>

### III. The identified potential GI products by country

Cases were identified from secondary data, obtained within the framework of Development Project aiming at identifying potential products. For each product identified, the following criteria were identified to describe the case. However not all data were available for all products.

#### a. Product

- *Name(s) of the products with GI certification potential*
- *Why is the product specific, unique, and it is worth citing it here?*
- *Biological resource from which the product comes (vernacular name, scientific name): Indigeneous variety/breed?*
- *Ecosystem with high biodiversity?*
- *Destination of the product (Food or non-food)*
- *Traditional product: how long is the history?*
- *Specific know-how?*
- *Cultural practices linked to the product*
- *Management of GI quality: needs to improve product competitiveness on the market?*
- *Traçability*

#### b. Political will to go for a GI

- *Is the product proposed by local communities for possible GI?*
- *Is the Product a priority of national authorities for GI? Which authority?*

#### c. Potential for income generation for producers :

- *How much is produced?*
- *Where is it consumed?*
- *How is it traded?*
- *Which market could be developed?*
- *Are there usurpations?*

#### d. Other benefits for producers

- *Organization of group of producers*
- *Quality improvement*

#### e. Relevance of a pilot project on this product



## 1. CAMBODIA

Identified products in Cambodia have been chosen within the inventory realized by the project on Geographical Indications funded by the French Development Agency, and all data are based on the following report: Martine FRANCOIS, Seyrevath PRAK et al. Indications Géographiques au Cambodge, Phnom Penh, GRET-CEDAC, 2006 in Collaboration with Cambodian Institute for Research and Rural Development.

There is also some input from the presentation of Lao Reasey, GI Bureau and Trade Secret, Department of IPRs, who made a presentation at a meeting of Ecap program in Hanoi in May 2013 and who cites numerous traditional products are renowned for their quality in connection with the area where they are produced, such as Kampot durian, Phnom Sroch silk, Battambang rice and orange, Siem Reap Prahok (fish paste), Mondolkiri honey and coffee and many other.

### **CAMBODIA: Cardamom from Cardamom Mountain or Pursat cardamom.**

All the data for this case are from Martine FRANCOIS, Seyrevath PRAK et al. Indications Géographiques au Cambodge, Phnom Penh, GRET-CEDAC, 2006 in Collaboration with Cambodian Institute for Research and Rural Development.

#### a. Product

- *Name(s) of the products with GI certification potential:*

Cardamom from Cardamom Mountain or Pursat cardamom.

The cardamom spice has given its name to the region where it is produced, Cardamom Mountain, in Cambodia.

- *Why is the product specific, unique, and it is worth citing it here?*

Documents proving origin and notoriety: History of cardamom harvesting mentioned in “Fauna and Flora International – Cambodia”.

- *Biological resource from which the product comes (vernacular name, scientific name):  
Indigenous variety/breed?*

Cardamom of the Amomum Kravanh variety, basically wild cardamom, a harvested product;

- *Ecosystem with high biodiversity?*

Cardamom comes from highly forested area. The main threat is a higher pressure on resources with the development of the market. To avoid this, resources should be managed by the Communities on a sustainable basis. Insufficient coordination with local Communities leads to mismanagement and cultural threats. Logging of forests in Cardamom Mountains is also an important threat to cardamom traditional production. If the trend of forest destruction in Cambodia increases, it can endanger population and endemic species, including cardamom.

- *Geographical area:* Cardamom Mountain
- *Destination of the product (Food or non-food):* food product
- *Traditional product: how long is the history?*

Communities of the Pear people harvest it following ancestral traditions. It is an activity incidental to an ethnic minority. Link with minority people tradition on the land (harvest commencement ceremony, forest rangers and link with forestry management of the territory to be confirmed)

- *Specific know-how?*  
Ceremonies for harvesting

- *Cultural practices linked to the product:*  
Possibility of giving it a “green” (organic) classification to be confirmed;

- *Management of GI quality: needs to improve product competitiveness on the market?*  
Quality improvement: GI process could help to reach the standard of generic quality or standard quality

- *Traceability*

b. Political will to go for a GI

- *Is the product proposed by local communities for possible GI?*
- *Is the Product a priority of national authorities for GI? Which authority?*

Product has been identified by Flora and Fauna International (FFI) project

FFI is present in this area for long time and as started to help farmers to market cardamom.

Any work on GI should be done in close cooperation with community leaders, local authorities and specialized organizations like FFI.

The product identified by the Afd project on GIs in Cambodia.

c. Potential for income generation for producers:

- *How much is produced?*

Approximately 50 tons of cardamom are currently produced each year. By limiting middlemen, and organizing marketing, the price could easily increase from 4000 KHR/kg to 8.000 KHR (FFI estimation) or more. Price for Cardamome in the main cities in Vietnam and Thailand range from 8000 KHR to 16.000 KHR / kg.

- *Where is it consumed?*

Cambodian Cardamom is very popular for Chinese medicine. As wild organic product, it is safe to consume.

- *How is it traded?*

Market and networks exist but are rapidly changing and endangering traditional harvesting.

- *Which market could be developed?*

Export niche market.

Cardamom is very popular in Middle East and India. The main producers are Indians and South Americans. The Cardamom from Cardamoms Moutains in Cambodia could not compete on those

markets where standard quality is the only buying criteria (size, color, dry recovery, etc.). Go for organic and fair trade cardamom.

- *Are there usurpations?*

d. Other benefits for producers

- *Organization of group of producers:*

As for now, there is an organization of 200 Pear families on the zone.

In the past, there were “mey prey” or Tangkow (forest wardens) at District, Commune and village level. The mey prey were managing the collection, the drying, the sale of the product and the management of the forests, in strict accordance with the rules of respect for the spirits of the forests<sup>10</sup>. Mey prey would organize the ceremony for the spirits before picking. Nowadays, they do the ceremony but other people have already been there and picked it green. The mey prey were reinitiated in O’ Som Commune in 2003 to protect the forest.

The local communities have successfully conserved mature forest on flat land with very good agricultural soils, because of the cardamom plant.

Because of their former positive experience with co-operatives during the Sihanouk period, and because of the strength of their communities (beliefs, ceremony, socio-cultural aspects), those farmers could easily constitute a representative group of farmers to apply for GI.

- *Environmental Benefit:*

We can estimate that the increase of revenue will diminish the pressure on the forests.

A good management of the natural resources could therefore help to manage the regular increase of population (from 173 families in 2001 to 200 in 2002).

e. Relevance of a pilot project on this product

GI could be registered provided that it could be linked to green and fair-trade networks, to reinforce and disseminate models of good forest management, which are absolutely necessary to sustain this production. This product of harvesting originates with a production system very much linked to the tradition of a minority people in a remote, disadvantaged agricultural zone, which fits in with export niche markets (organic products, equal opportunity businesses, ethnic minorities, etc.), and could even be the driver for a link with equal opportunity tourism or ecotourism to this zone (provided that conditions are suitable). The low production volume (50 tons) is compatible with the size of these markets, which leaves room to hope for an enhanced status for the improved product

Practice ancestral rituals: By reintroducing “mey prey” and giving farmers the opportunity to practice ancestral rituals, while at the same time increasing revenue, the social impact should be positive

Fair-trade and organic markets are therefore good opportunities to develop cardamom market and protect traditional communities exploiting those resources.

Eco-tourism linked to cardamom traditional harvesting rituals could be also a good opportunity, if properly done, e.g. with sound management of resources and respect of traditional beliefs, habitat and resources.

The GI could also facilitate the control of the forests and the volumes on the market by the communities, and therefore avoid early picking by outsiders.

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<sup>10</sup> Ibid.

Beside this, if the cardamom industry becomes a more lucrative activity, it will provide a powerful incentive for communities to protect the species-rich forests where cardamoms grow. Cardamom was not chosen during the Afd project because the quantity produced was too small regarding the project which aimed at reinforcing export capacities of Cambodia.

## **CAMBODIA: Prahoc Fish Paste**

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All the data for this case are from Martine FRANCOIS, Seyrevath PRAK et al. Indications Géographiques au Cambodge, Phnom Penh, GRET-CEDAC, 2006 in Collaboration with Cambodian Institute for Research and Rural Development.

### a. Product

- *Name(s) of the products with GI certification potential:*

Prahoc sach and Prahoc bork from Siem Reap (fish paste)

- *Why is the product specific, unique, and it is worth citing it here?*

Prahoc is a fish paste, a staple item in the Cambodian diet. Of all the varieties of prahoc, the one made in Siem Reap using special techniques and various species of fish peculiar to the Tonle Sap Lake, is especially popular on the domestic and export markets. This product could be covered by a GI.

- *Biological resource from which the product comes (vernacular name, scientific name):  
Indigenous variety/breed?*

Processed good from various species of fish peculiar to a particular Lake. Prahoc made from the prahoc trey thom fish, which includes the trey ros (*channa striata*), trey chdor (*channa micropelles*), trey prama (*boesemania microlepis*), trey chhkoak (*cyclocheilich-thys enoplos*), trey khmann (*hampala dispar*). It is an odorless prahoc, white in color, with boneless fish fillets intact

- *Geographical area:*

Made from fish caught in the Tonle Sap Lake, with the best known locations for fish catches and processing technology being Aragn, Vatt Por, Vatt Svay, Kampong Phloulk, Chong Khneas, Kampong Khleang and Roluos

- *Ecosystem with high biodiversity?*

Yes. But difficulties can be foreseen due to pressure on the fishery resources and the depletion of the supply. Inconsistent catches from year to year. is a factor in the sustainable management of the fishery resource (limited) of the Tonle Sap Lake. It is an issue of sustainable management of the lake fish farming resource and of improving the value added generated by producers based on this quantitatively limited agricultural resource

- *Destination of the product (Food or non-food): food product*

- *Traditional product: how long is the history?*

- *Specific know-how?*

- *Cultural practices linked to the product*

Species of fish: the fish live in deep water, which means they do not have a muddy smell or taste. The flavor of the fish is what gives the prahoc its flavor;

- *Management of GI quality: needs to improve product competitiveness on the market?*

Gutting and filleting the fish creates a labor demand and causes some loss, but these factors are behind the quality of the product.

- *Traceability*

b. Political will to go for a GI

- *Is the product proposed by local communities for possible GI?*

- *Is the Product a priority of national authorities for GI? Which authority?*

Feasibility study for the project AFD on GIs

c. Potential for income generation for producers:

- *How much is produced?*

Estimated production of 1,662 tons of prahoc for the province in 2003-2004, mostly grade 3 prahoc (which would not be allowed to use the name).

Siem Reap prahoc has a market price edge over “run-of-the-mill” prahoc made with a mix of different fish;

- *Where is it consumed?*

- *How is it traded?*

Domestic market: the Siem Reap origin is valued and contributes to a price differential. Cambodian tourists who visit Siem Reap take the product back as gifts, which is an indicator of its notoriety.

Export market: For the Thai market, ordinary prahoc is preferred because it is less expensive;

- *Which market could be developed?*

The anticipated benefit from a GI would be an enhanced status and higher product price

- *Are there usurpations?*

d. Other benefits for producers

- *Organization of group of producers*

Organization of 12 fishermen-producers within the “Poisson doré d’Angkor” company;

The network reportedly involves some 120 fishermen in 2004. There is no production organization aside from the trade organization (collectors and wholesalers);

- *Quality improvement*

e. Relevance of a pilot project on this product

## **CAMBODIA: Battambang rice**

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All the data for this case are from Martine FRANCOIS, Seyrevath PRAK et al. Indications Géographiques au Cambodge, Phnom Penh, GRET-CEDAC, 2006 in Collaboration with Cambodian Institute for Research and Rural Development.

### a. Product

- *Name(s) of the products with GI certification potential: Battambang rice*

- *Why is the product specific, unique, and it is worth citing it here?*

Battambang rice is known for its softness, flavor and scent. The amount of broken kernels, quality (moisture) could be additional quality hallmarks: to be identified during the GI process;

- *Biological resource from which the product comes (vernacular name, scientific name): Indigeneous variety/breed?:*

Varieties: Phkar Khney, Neang Mieng and Neang Khon are the main varieties grown, along with the Somali variety, also grown in Thailand

- *Ecosystem with high biodiversity?*

Production is located in Battambang and Banthey Meanchey. In these provinces, the fertile land and key rice growing areas (except for floating rice) are confined to a specific zone including Thmar Kaul, Bovel, Banan, Maung Russey, Sangker and Mongkol Borey.

- *Destination of the product (Food or non-food): food product*

- *Traditional product: how long is the history?*

Extrait du Provincial development plan, 1999, Undp : Battambang is the better rice produced province in Cambodia. Battambang is the rice bowl of Cambodia

- *Specific know-how?*

- *Cultural practices linked to the product*

- *Management of GI quality: needs to improve product competitiveness on the market?*

- *Traçability*

### b. Political will to go for a GI

- *Is the product proposed by local communities for possible GI?*

- *Is the Product a priority of national authorities for GI? Which authority?*

Feasibility study for the project AFD on GIs

### c. Potential for income generation for producers :

- *How much is produced?*

Regional production accounts for 260,000 tons of rice (180,000 tons in 2000), of which 115,000 tons were exported

- *Where is it consumed?*

Problem is the conflict between Laos and Cambodia

- *How is it traded?*

Domestic market and export to Thailand: the Battambang origin is given a price upgrade.

- *Which market could be developed?*

- *Are there usurpations?*

There is some imitation of Battambang rice (fraudulent use of bags from Battambang rice mills). There is a strong competition from Thailand.

As there are lots of flow in of agricultural products from neighbouring countries, the efforts have been still made to improve the local agricultural productions, because the exported products are less tasted than the local product and not be able to fulfil the need of local people

d. Other benefits for producers

- *Organization of group of producers*

4 producer organizations linked to the JICA project;  
Several rice mill organizations on the zone (in which there are 350)

- *Quality improvement*

e. Relevance of a pilot project on this product

## 2. LAOS

All cases on Laos are sourced from the “Support Project for the Establishment of Geographical Indications in Laos” (PEIG), implemented by Ministry of Agriculture and Forests and funded by the French Development Agency (AFD), Technical assistance: CIRAD – INAO – LCG Consortium Potential Geographical Indication Products, Feasibility Reports, June 2007.

In the feasibility study from the AFD project, out of the list, 4 teas are cultivated from local and ancient variety: Tea Xiengkhoang (ancient tea forest, Huangte ”royal” tea), Tea Phongsali (ancient varieties), Tea Bokeo (ancient varieties), Tea Oudomxai (ancient varieties). But these teas were not chosen by the project for a feasibility study.

Moreover, potential GI products in Lao PDR has been listed by Dr. Khamphet Vongdala, Trademark division of IP Office:

1. Bolovens Coffee (Café des Bolovens)
2. Khao kay noi (small chicken rice) from Houaphan and Xieng Khouang provinces
3. Paksong Green Tea
4. Phongsaly Tea
5. Lao Silk
6. Luang Prabang Kaipen (dried alga)
7. Luang Prabang Fermented Chili
8. Xayabouri Tamarind
9. Luang Prabang Small Chili
10. Oudomxay Benjoin

### **LAOS: Luang Prabang KAIPEN**

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All the data for this case are from D. Sautier and al, 2007, Luang Prabang Kaiphen (Dried river alga): Potential Geographical Indication Products Feasibility Report. PEIG project, MAF/AFD. CIRAD-LCG-INAO consortium, 17 p.

#### a. Product

- *Name(s) of the products with GI certification potential:* Luang Prabang KAIPEN (Alga)

Kaipen is the common and exclusive name used to denominate this particular processed algae preparation. The name is well known throughout the country. Lao consumers identify this product with Luang Prabang, although no geographic descriptive term is associated with it. Tourism agencies and guides also refer to Kaipen as a local specialty product for Luang Prabang, which is one of the most visited places in Laos.

- *Why is the product specific, unique, and it is worth citing it here?*

Kaipen is obtained in Luang Prabang and surrounding areas from river algae or “kai” which is gathered from the river bottom, cleaned, molded, flavored with tamarind juice and other ingredients and dried in rectangular sheets. Consumers appreciate to eat it fried as a snack. Dried alga (Kaipen) is a typical product from Luang Prabang Province in Northern Central Laos. Good quality kaipen is dark green, not sandy, tasty and with a thin and crispy texture. Kaipen quality is defined

- by the colour (dark green)
- by the absence of sand and other residues



- by the texture (soft, thin and crispy)
- by the taste (seasoning).

- *Biological resource from which the product comes (vernacular name, scientific name):  
Indigeneous variety/breed?*

The algae used for processing kaipen is known as kai and sometimes identified as *Cladophora* sp. or *Dichotomosiphon tuberosum* A. Br (source : wikipedia).

Kai algae and its variants have not yet been identified botanically

- *Geographical area: Ecosystem with high biodiversity?*

There is the existence of 2 sub-systems :

\* Mekong kaipen = produced from some 8 villages localized on a specific Mekong stretch, mostly North from Luang Prabang where the river stream is weak and rocky areas facilitate alga harvesting.

\* Kaipen from other rivers upstream: This implies a much larger area since kai algae can be found in many rivers. In a number of these villages which are traditional kai consumers, such as Nambak (100 km North of Luang Prabang), women started rather recently to process kai into kaipen and to sell it. The localization of kaipen production is localized in of Luang Prabang Province in Northern Central Laos, in three Districts : Luang Prabang and Chomphet along the Mekong river; and in Nam Bak District north of Luang Prabang. The area for kai production is much wider than the area for kaipen processing. Although no systematic information is available on the matter, kai harvesting has been reported in Phongsaly, Oudomxay and Savannaketh for example. The threats are the Mekong river pollution, and the evolution of Mekong river itself (new infrastructures for navigation).

- *Destination of the product (Food or non-food): food product*

- *Traditional product: how long is the history?*

No historical references were found, but village processors along the Mekong river tell their fathers and grand-fathers had already been producing kaipen. There is an important and old local harvesting and processing know-how.

- *Specific know-how?*

Manufacturing of kaipen relies on a shared know-how within a limited number of riverside villages. This tradition does not have a precise chronology but appears to be several generations old. Few anthropological data exist. The proximity and market of Luang Prabang, the old capital of Laos, is likely to have played a role in promoting this processing activity. We already mentioned the similarity between kaipen processing and mulberry paper processing techniques. Mulberry paper used to be made in Luang Prabang for the king's court.

- *Cultivation, processing practices linked to the product*

The algae grows naturally in the rivers. It expands very quickly again after being cut. It is harvested by men and children. The producers collect the green algae only, because the yellow algae is old and has no quality for kaipen making. Processing is a feminine task. One kilo algae can be processed into 7 to 10 kaipen pieces (size is about 32 x 36 cm). According to skills, one person may process 30 to 50, maximum 60 kaipen per day. The use of a wooden frame to mould the kaipen piece is recent. In the past farmers did not use a frame, it took them more time and the outputs were lower. Know-how is required to spread a very thin algae layer on the straw rack for drying. This technique draws very closely from mulberry paper processing which has long been performed in Luang Prabang, and remains a significant local handicraft activity in the area. Tamarind juice composition may vary (generally 20 liters of water, 500 g salt, 500 g tamarind juice, 60 g

glutamate). The addition of sliced garlic, tomato and onions and of sesame seeds is for taste, but also for decoration and beautiful visual. Normally some ingredients to make Kaipen come from farmers' backyard and some are bought from the market, such as salt, sesame and glutamate. If kaipen is not sun-dried within one day because of insufficient sunshine, bad small may develop. Producers take much care of the places where they want to dry Kaipen. They often build shelves high enough to prevent animal and wind interference.

	<i>Mekong river algae</i>	<i>Bak and other smaller rivers' algae</i> <i>Specific or different processing steps</i>
<i>Harvest Collecting period:</i>	December to April (dry month, low water level)	from February until June - July
<i>First washing</i>	beaten on the water's surface to separate sand and stones	algae is harder to wash properly
<i>First drying</i>	put to drip on ropes or stones; 1 day (maximum 3 days, covering algae by clothes )	
<i>Second washing</i>	at home, with rain water (elimination of residues)	
<i>Framing –moulding</i>	After filtering through a mesh, the algae is drained, moulded in a square frame and spread onto flat, dried straw racks	
<i>second drying</i>	After draining, the processor spreads a thin layer of algae on an oiled straw rack	No oil required on the straw rack
<i>Seasoning (liquid)</i>	Sprinkle with tamarind juice seasoned with other ingredients (olive juice, galangal juice, salt, glutamate) and slapping with a wooden batter.	
<i>Seasoning (spices)</i>	Pieces of sliced garlic onion and tomato are added and sesame seeds sprinkled on top	
<i>Third drying</i>	Sun drying (one day)	
<i>Packaging</i>	rolled in plastic bags (conservation up to 1 year)	

- *Management of GI quality: needs to improve product competitiveness on the market?*  
No sanitary analysis assessment available for kaipen.

- *Traceability*

b. Political will to go for a GI

- *Is the product proposed by local communities for possible GI?*

- *Is the Product a priority of national authorities for GI? Which authority?*

The product is proposed by the AFD project on GI.

c. Potential for income generation for producers :

- *How much is produced?*

No quantitative data exists on number of kaipen producers or on volumes sold. On both sides of the Mekong river, at least 8 villages have a long standing tradition and specialization and fame in kaipen processing. For example in Muang Kham village, this is the main activity, with 79 families out of 89 engaged develop in kaipen processing. Income generated may reach 10 millions de kips (US\$ 1000) per family. In the Mekong area, it can be estimated that in at least 8 villages, at least 50 families process at least 50 pieces a day during 60 days per harvesting

season. Based on the average village-level selling price of 1000 kip per piece, each family can earn a minimum of 50,000 Kip (U.S\$ 5) (while an agricultural labourer earnings are about 20,000 Kip per day) and 3 million kips (300 US\$) per season. In the area of Nambak and other Mekong affluent rivers, kaipen processing has become a growing activity for women over the last years. In this area, unlike the former one, algae harvesting and processing are frequently done by different families. Farmers sell green Kai to women processors at a price comprised between 2000-2500 Kip/kg (just harvested) and 4 000- 5 000 Kip/kg (kai which is already cleaned and ready for making Kaipen). No statistics are available, but it can be estimated that this product is currently a basis for the livelihoods of thousands of families in Luang Prabang region.

- *Where is it consumed?*

Kaipen is mostly consumed in restaurant and bars as a snack food, and is popular with beer drinkers. For less frequent consumers, the principal quality criterion is the cleanliness of the product (absence of sand). Experienced consumers also require specific taste and texture attributes. They check the kaipen against daylight: if light passes through, the piece is thin enough. The thinner and crispier the kaipen piece is, the higher the price is (+ 50% premium or more).

- *How is it traded?*

Mekong kaipen are sold essentially to Luang Prabang market. These Mekong Kaipen are sold from December to April, often with a premium price on the local market, because for connoisseurs they are thinner, crispier and tastier. Differences occur from village to village. Koi Sai Noi village is fetching the highest price. Once the kaipen is dry enough, it is ready for sale. Farmers put kaipen into one plastic bag of 10 pieces, which are sold at 10 000 to -15 000 Kip at village level on an average. Prices vary with the season and availability of the product: They may rise 100% after harvest season, when supply is low. But few producers are actually keeping products until that period, because they generally need cash money before. Prices vary also according to the place. In April, while a 10-piece bag was sold 15 to 20 000 Kip in the traditional Mekong processing village of Muang Kham, it was worth 10 to 12,000 in Pha village near Nam Bak river. Some farmers bring Kaipen to sell in the marketplace and get better price. Kaipen trade in Luang Prabang takes place:

\*at the two food markets (Pat Kham old market downtown, and Phosi new market)

\*at river harbours and directly in villages where collectors buy the products and load them into trucks to Vientiane and other Provinces

\*near restaurants and along the main roads, especially Phou Wao Avenue (Phongsaly – Vientiane road), where young women retail bags of kaipen to travellers (cars and buses) who are heading out of Luang Prabang.

Part of the production, especially in more distant villages, is made by order for traders, who organise a long distance distribution to Vientiane and other major cities in Laos. Kaipen can be found, although in small quantities, in larger cities in Laos. Some restaurants in distant provinces such as Bokeo also make orders. More recently, some kaipen has been on sale in foreign countries such as Thailand, Japan and USA ([www.newstarget.com.008796.html](http://www.newstarget.com.008796.html)). The finished kaipen product actually resembles a large sheet of Japanese nori algae. Kaipen is rich in vitamins and minerals and tastes similar to nori, but is slightly more sweet, bitter and aromatic (Source: wikipedia).

However, most export tentatives are through personal contacts and directed to Lao community abroad. There is not information of the organization of any regular and established kaipen exportation flow. Still, some traders appear to be exporting dried kai to Japan or Thailand. But in this case the end-processing is done in these importing countries.

Kaipen from others rivers: this innovation seems to have been stimulated by trade opportunities. Algae processors frequently buy the raw material from kai collectors. The season finishes later (December to June). Prices and quality seem to vary a lot and generally considered lower than

Mekong alga. Production is frequently made by order. Trade is partly directed to Luang Prabang, but a lot is sold to Vientiane or other cities, even to restaurants in Thailand.

- *Which market could be developed?*

- *Are there usurpations?*

The product is not copied (at the moment)

d. Other benefits for producers

- *Organization of group of producers*

Currently no collective action and no organized group who could become a GI applicant exist. Production is based on family units. No organization formally related to kaipen has been identified. But Lao Women's Union (LWU) has been playing a central role, at Provincial and village-level, in promoting this activity which generates employment and income for rural women. LWU helps set up revolving funds for women to set up this business, buying fresh algae from collectors and the necessary ingredients (seasoning) and tools (drying racks, etc.). In the villages, LWU groups meet to discuss and stimulate the activity.

Provincial Agriculture and Forestry Office (PAFO) is not concerned by this production which is not a frequent staple. Some non-governmental organizations (NGOs) such as SNV, have shown interest in supporting this product but action is still incipient.

- Quality improvement

e. Relevance of a pilot project on this product

## **LAOS: Pakson Green Tea**

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All the data are from the report of Lyne Sallee with the participation of Mr. Bouapha Souphathone and Ms. Saïchay Phoumanivong, PEIG Support Project for the Establishment of GIs, MAF/Afd, June, 2007, and of web site web Lao Farmers Products: <http://laofarmersproducts.com>, last consulted 19 September 2013.

a. Product

- *Name(s) of the products with GI certification potential: Paksong Green Tea*

There is no use of a particular name on behalf of the producers. On the other hand, at the national level, the tea is known under the name of Paksong green tea. Of course, trademark or owners' name is also present on the packaging. But all packaging by all local processors include the expression « Paksong tea » which is a sign of convergence of the different private actors in the use of a geographical name as a descriptor of the product. For export, one finds it under various names such as Green tea of Paksong, tea of the Bolovens, Paksong golden tea, Shan tea of Laos (black) or Shan tea with white points (black).

- *Why is the product specific, unique, and it is worth citing it here?*

The leaves of the Paksong green tea are generally long, whole, curled, of dark green color, with the sometimes silverish reflections, strewn with some white buds. The texture is homogeneous for the

same quality. A tasting of 8 teas of which 7 produced from Paksong district was carried out during the training in sensory analysis at the Coffee Research and Experiment center at km 35.

Results are as follows:

- colour of the liquor: consistent orangy yellow
- liquor in nose : contrasted and rather vegetal; some fruity and underbrush notes
- liquor in mouth: corsé with some vegetal notes
- liquor “finish”: slight bitterness, long aromatic persistence.

A slight astringency and smoky flavours were also noted in some batches. The eight sample was a Vietnamese green tea, which had much less body than the Paksong green tea. Paksong green tea is consumed in the form of hot, tepid or frozen drink. This green tea is particularly appreciated by Vietnamese and Thai buyers for its gustatory qualities but also for the organic character of its production. Chinese traders rather source leaves for black tea processing. The tea plant of Paksong district, originating from Shan varieties and undoubtedly hybridized thereafter, shows interesting characteristics of yield per plant as well as resistance to leaf blister.

- *Biological resource from which the product comes (vernacular name, scientific name): Indigeneous variety/breed?*

- *Geographical area: Ecosystem with high biodiversity?*

Plantations in operation are currently located between km 30 and 46 along road n°13 Paksé-Paksong. Some old plantations can be found at Lak 12 village, in Ban Beng and Ban Khongoun, a score of km beyond Paksong. They are used as seed banks. If referred to the most favourable ecological conditions, the potential geographical area for tea plantation is approximately 1.803 km, coinciding to the district of Paksong. The estimated current area for tea production is approximately 150 ha compared to a potential surface of 200 to 220 ha.

The processing area is larger than the production area, as tea drying conditions are more favourable at lower altitudes. Batieng factory is located near Bachaingchlernsouk, outside Paksong Dsitrict, but still in Champassak Province. Family processing units are located within Paksong district, between Km 38 and 45. The agro-ecological conditions of the district of Paksong are extremely favourable for the cultivation of tea, definitely higher than those of other areas where it is cultivated, and confers to the Paksong tea its particular characteristics:

- the basaltic subsoil of red soil is acidic, deep and well drained,
- altitude lies between 900 and 1.100 m, T° comprises between 3,5° and 28°C, neither too hot nor too cold,
- pluviometry is approximately 3.300 mm/year, distributed over 7 months of the wet season. Although yields drop during the dry season, it is not a limiting factor in the designated zone. One could also fear a water excess during the wettest months but the spatial distribution of the shrubs facilitates aeration. Moreover, the various types of tea cultivated seem resistant to leaf blister and of a good average yield which compensates for the low density of the plantations. The only impediment to the strong pluviometry: difficulties at the drying stage during the rainy season principally for sun-dried black tea. Drying however demands detailed attention, reason for which the rolling and drying stages are repeated several times during the rainiest months (August-September). Paksong tea has unique flavour characteristics conferred by its agro-ecological conditions and the know-how of its producers, acquired through history.

- *Destination of the product (Food or non-food): food product*

- *Traditional product: how long is the history?*

The majority of these plantations were established 20 or 30 years ago. Tea plants are grown from seeds with slight selection or not selected at all. The producers collect seeds on a tea plant in free

growth and carry out a nursery (seedbed). They recover sometimes seedlings under these “seed-bearer” trees. The tea producers are owners of their land. All of them produce also arabica and/or robusta coffee (*Coffea canephora*). Approximately 20% of the plantations are abandoned, 20% were cut down in favor of Arabica coffee. Half of the plantations are 25 to 35 years old, the other half are 15 to 25 years old. Recently some plantations have been rehabilitated in order to cope with new markets and an increased demand. Ten years ago, the majority were abandoned. However the production is not optimal due to a clogging at the processing level. However, two to three hundred hectares were requested recently to the district of Paksong for the expansion of tea plantations, as demand in rough tea is currently higher than supply. The tea plant, *Camellia sinensis*, was introduced in 1932 in the district of Paksong. A French agronomist, A.J.E. Marseille, planted the seeds which he had obtained from wild Shan tea plants from the experiment station of Xieng Khouang in the North of Laos. The tea plant (Shan variety) existed in a wild state in this mountainous area and measured between 15 and 20m. It was known under the name of “Tea with white points” and formerly cultivated for the imperial Court of China. The tea plants were cut down and the very long and downy buds were used for the preparation of a tea of higher quality, as much by the aspect of its leaves as by the quality of its flavours, consumption restricted to the imperial family and its dignitaries. In the Forties, the French operated two plantations in the district of Paksong: one, of 9ha, at km 42 and the other, of 5ha, in Phoudamkhouane approximately 16 km (as the crow flies) north of Paksong. Tea cultivation was diffused in the district since 1943. Seedlings were distributed to the local population. Production and processing of tea were controlled by the French colonial government. The dry green tea was seemingly sent to a production center in Blao (currently Bao-Loc), in South Vietnam from where it was probably exported. Labourers from these plantations, of Vietnamese origin, acquired the know-how currently transmitted. At the end of colonization, in 1955, the plantations, which did not exceed 40 ha, were divided between the farm labourers. It would seem however that the leaves of this wild tea did not rolled up well during malaxation, carried out at the time by foot, and that the beverage was very bitter. Tea plants with “hazel nut” seeds brought from the Hanoi area in Vietnam, by another Frenchman, would then have been planted. Between internal political disturbances at the time of the accession to Independence, the bombings on the plateau by the American army during the war and the lack of outlets for this product, tea production slowly declined. After the revolution of 1975, under the impetus of the Lao PDR government, tea plantations appear from km 28 to km 45 in the district of Paksong. Thus, approximately 70% of the tea trees were planted between 1975 and 1985. However, the leaves were not sold (or very badly). The plantations were then neglected, even abandoned. From 1990, some were even torn off in favour of Arabica (*Catimor*) coffee. Renewed interest for tea cultivation has started a few years ago under the impetus of Lao Farmer Product (LFP) and then of Batieng Product (Bapro) while this crop was falling into disuse.

It should be noted however that the first tea seeds sown in the experiment station of km 42 in Paksong district, in 1932, come from the same experiment station of Xieng Khouang as those which made the current reputation of the Bao-Loc tea, very famous in South Vietnam. These seeds were obtained from selected seed-bearer tea trees. Besides producing a tea of very high quality, this Shan variety showed comparatively very interesting yield and a resistance to leaf blister which conferred to them a considerable additional asset.

- *Specific know-how?*

The processing techniques correspond to a know-how acquired from father to son and jealously kept for the phases of roasting, rolling and desiccation. Beside the Batieng factory, it is generally the Lao of Vietnamese origins that carry out these stages of roasting, rolling and desiccation. Independent producer-sellers are also Lao of Vietnamese or Chinese origins, amateurs of tea by tradition. The processing is entirely manual (or almost); and the cultivation without pesticide or

chemical fertilizer. The picking is subject to an unquestionable attention for all producers, including those of the grouping, whom follow precise specifications. The aim for quality is mentioned by all.

- *Cultural practices linked to the product*

The farming system is traditional and organic. Tea is planted in monoculture, sometimes associated with coffee-trees planted in replacement holes. Shading is natural and plurispecific, often fruit trees. Freshly picked tea leaves are brought back to the village and are weighed immediately. For processing, they are either sold to the factory of Batieng, or processed in a traditional manner into rough green tea by the producer-roasters. On average, it takes 5 kg of fresh tea leaves in the dry season to make 1 kg of dry tea (end product) and 7 kg in the rainy season.

- *Management of GI quality: needs to improve product competitiveness on the market?*

- *Traçability*

b. Political will to go for a GI

- *Is the product proposed by local communities for possible GI?*

- *Is the Product a priority of national authorities for GI? Which authority?*

Product is proposed by the AFd project.

c. Potential for income generation for producers :

- *How much is produced?*

The quantity of work per ha and per annum is estimated between 150 and 200 days, including harvest which takes place twice monthly all year around. The average yield is 2 T leaves/ha/year.

In 1999, the production was estimated at 28 T for an area of 138 ha. Tea sale was primarily local. In 2000, Batieng estimated at 30% only the quantity of leaves processed in comparison to potential quantity of production of GSPSL members; at 20% those directly processed by independent producers for their own consumption and/or sale at the local market; and at approximately 50% the leaves not harvested. Field surveys show however that part of these leaves were sold off to middlemen and to independent panners/roasters. In 2001, LFP began to export towards Europe via Solidar Monde. The quantity amounted to a few hundred kg only. Owing to the opening of this market by the fair trade value chain, export reached 3.2 T in 2002 and grows steadily since. In 2006, Batieng produces 15 T of dry tea, 10.5 T of green tea and 4.5 T of black and aromatized teas, through the GSPSL. Production for 2007 is estimated at 40 T. This prompt increase is made possible by the ratooning of plantations, sometimes abandoned for 30 years (the lifespan of a tea plant is 50 years). Total production of the district is estimated at 32 T for the year 2006, and undoubtedly at 70 T in 2007.

- *Where is it consumed?*

- *How is it traded?*

- *Which market could be developed?*

d. Other benefits for producers

- *Organization of group of producers*

- *Quality improvement*

Incomplete drying and too high relative moisture content, Progress to be made at the agronomic level (especially pruning)

e. Relevance of a pilot project on this product



### 3. INDONESIA

All the cases are sourced from the IPI Indonesian – Swiss Intellectual Property (ISIP) Project, report of the 1st mission (16th to 31st of October, 2012), Dr. Stéphane Fournier (Montpellier SupAgro, UMR Innovation), Dr. Surip Mawardi (ICCRI), Mr. Saky Septiono (DGIPR) available at [https://www.ige.ch/fileadmin/user\\_upload/Juristische\\_Infos/e/report\\_of\\_the\\_first\\_mission-oct-2012.pdf](https://www.ige.ch/fileadmin/user_upload/Juristische_Infos/e/report_of_the_first_mission-oct-2012.pdf).

As an archipelago, composed of thousands islands with specific ecosystems, and thanks to its numerous ethnic communities, which all have local specialties and specific know-how, Indonesia is indeed known to benefit from an important diversity of local products. This potential has not been exploited during the last years, as the agricultural development policies have up to now mainly targeted quantitative objectives (aiming to reinforce food security), but it can rapidly change.

#### **INDONESIA: SoE Kepruk Orange**

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All the data for this case are from IPI Indonesian – Swiss Intellectual Property (ISIP) Project, report of the 1st mission (16th to 31st of October, 2012), Dr. Stéphane Fournier (Montpellier SupAgro, UMR Innovation), Dr. Surip Mawardi (ICCRI), Mr. Saky Septiono (DGIPR)

##### a. Product

- *Name(s) of the products with GI certification potential: SoE Kepruk Orange*

- *Why is the product specific, unique, and it is worth citing it here?*

The SoE ranges indeed benefit from a certain reputation. A native variety, called Jeruk Kepruk SoE (JKS – SoE Kepruk oranges), gives specific fruit, with specific colour (more orange than other fruits), sweet taste and particular aroma. Soe oranges have specific characteristics according to all the local inhabitants. This should be analyzed more objectively and scientifically, but the commercial success of the variety “Jeruk Kepruk SoE” is a positive sign: growers who buy this variety recognize its quality. And it seems that this variety does not give the same results (concerning the fruits’ taste) in SoE region and elsewhere (this will have to be demonstrated too).

- *Biological resource from which the product comes (vernacular name, scientific name):  
Indigeneous variety/breed?*

This variety has been registered, and some growers in the Kabupaten TTS have specialized themselves in the production of seeding or young plants. Thus, since 2007, Provincial government is trying to organize a supply chain: it is supporting groups of producers who are producing seeding, and subsidise the purchase of trees by growers, the latter even being able to receive freely important quantities of young plants. One of the problems is the fact that a variety has already been registered under the name “Jeruk Kepruk SoE”. From a juridical point of view, the GI cannot have the same name than a registered variety; if the variety name cannot be changed, the potential GI should be registered under another name. But solutions can be found: the name of the variety can be changed (it seems to be the best solution), or the GI can be registered with another name.

##### b. Political will to go for a GI

- *Is the product proposed by local communities for possible GI?*

- *Is the Product a priority of national authorities for GI? Which authority?*

The product has been selected as one of the 4 four products to go for a GI within the ISIP Project. A GI registration project has been initiated in 2011, carried out by local government (Dinas Pertanian), DGIPR and the national GI experts' team. A GI managing group has been created in 2012. But the local stakeholders' training on GI has not been sufficient for the moment, and these actors are still a little confused about this project.

c. Potential for income generation for producers :

- *How much is produced?*

4,000 t of fruits, produced in 200 ha

- *Where is it consumed?*

- *How is it traded?*

The supply chain is nowadays quasi-exclusively local. Some traders buy the fruits directly to the producers and resell them on local markets. There are two different possible systems: the producers can harvest the trees themselves, or the traders can buy the fruits on the trees, and pay in this case between 300,000 and 750,000 Rp for one tree, depending on the estimated quantity of fruits in the tree. If we consider an average of 50 kg of fruit per tree, the latter system, which seems to be the most frequent, is not really favouring the producers: that means that the producers receive only 10,000 Rp/kg of fruit, when these fruits are sold by the traders in the local markets at the price of 30,000 Rp/kg (but the transport costs may be important).

- *Which market could be developed?*

The major stakes for Sidoarjo milkfish and SoE oranges will be to develop a demand for GI products in long supply chains. Nowadays, since 2006-2007, the Provincial government (Dinas Pertanian) is trying to help the restarting of the oranges production, since several analyses and workshops have shown that it could be one of the more interesting strategies for the region. The marketing networks do not exist for the moment. They can be created on the basis of a certified product; the market can be sought in that direction. As there is no phenomenon of "path dependency", the SoE oranges producers can create a specific supply chain which will be interested by a GI certified product. It could of course be complicated, but different trails can be tried: niche markets (as hotels, restaurants, gourmet shops), processed products.

The socio-economic impact of a GI could be important, even if it is not established that the producers' price will increase significantly, nor that the market will be very large in the short term. But this region is considered as one of the less developed in Indonesia, and the development of a supply chain would allow opening up that region. The development of the production will occur anyway: the local government already gave a lot of young plants, and they will enter into important production in a few years. Local stakeholders will have to choose between two possible strategies: to try to compete with other oranges on the large retail market or to try to decommoify the SoE oranges and to find markets for a high quality certified product. If the choice is clearly done, a GI may be useful and successful. SoE oranges: how to develop markets for GI products both in short and long supply chains? These two products benefit from a dedicated local market, on which the reputation of the product is established, but on which the interest of a GI certification is not demonstrated. A challenging objective will be to find ways to develop the demand of GI certified products in long supply chains too.

- *Are there usurpations?*

d. Other benefits for producers

- *Organization of group of producers*

The number of producers is probably between 600 and 800. A few cooperatives have been recently created, encouraged by Dinas Pertanian since the beginning the orange supply chain development program. There currently 10 cooperatives in the Kabupaten, including 20-30 members. It is possible that a high level of co-ordination and co-operation establish itself among then producers. One again, the fact that they did not begin to look individually for important buyers is an advantage. And they are totally aware about the fact that the current deals they have with local traders are not the best solution.

- *Quality improvement*

e. Relevance of a pilot project on this product

## **INDONESIA: Rote palm sugar**

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All the data for this case are from IPI Indonesian – Swiss Intellectual Property (ISIP) Project, report of the 1st mission (16th to 31st of October, 2012), Dr. Stéphane Fournier (Montpellier SupAgro, UMR Innovation), Dr. Surip Mawardi (ICCRI), Mr. Saky Septiono (DGIPR)

a. Product

- *Name(s) of the products with GI certification potential: Rote pal sugar*

- *Why is the product specific, unique, and it is worth citing it here?*

“Regionally”, in the NTT province, it seems that Rote Island is known for its sugar production, the quality of it being admitted. But this kind of palm trees is also present in many other Indonesian regions, in which a sugar production has apparently also be developed, and the specificity of the Rote palm sugar has not be established. The frequent comparison with others kinds of palm trees’ sugar concludes to a real specificity of the Asian Palmyra palm (*Borassus flabellifer*) sugar, but it seems difficult to assume without any further researches that a Palmyra palm sugar processed in another location than Rote Island would be really different. But the historical anchorage and the very important role of this palm tree in the culture of Rote inhabitants would be a strong argument in favour of the possibility to register this product as a GI.

- *Biological resource from which the product comes (vernacular name, scientific name):  
Indigeneous variety/breed?*

The *Borassus flabellifer* or Asian Palmyra palm is native to South and Southeast Asia, and found from Indonesia to Pakistan. These *Borassus flabellifer* palm trees cannot be planted. Some tests have been done but remained unsuccessful. That means that the land owners can (or not) have the chance to see palm trees growing (naturally) in their plot, but cannot really decide to intensify their production with new trees, as these palm trees, which have as it will be explain later a high symbolic value, cannot either be bought.

- *Geographical area: Ecosystem with high biodiversity?*

The island of Rote is located in the Kabupaten of Rote Ndao, in the Nusa Tenggara Timur (East Nusa Tenggara) Province.

- *Destination of the product (Food or non-food): food*
- *Traditional product: how long is the history?*
- *Specific know-how?*
- *Cultural practices or processing method linked to the product*

In the whole island, people use to extract the sap of palm trees to process it into sugar. The “palm trees” are more precisely *Borassus flabellifer*, or Asian Palmyra palm. To collect the sap (activity traditionally done by men), men have to climb the palm tree two times a day, to cut the inflorescences, and to put a basket in which the sap will flow. Once collected, the sap can be processed into different sugar products (activity traditionally done by women): gula air or sugar syrup, gula semut or “crystal sugar” / powder sugar, and gula lempeng, which are small sugar galette or biscuit (kind of candy). To get these products, women have to boil the sap during a couple of hours for the sugar syrup, and one hour more for the sugar biscuits. To obtain crystal sugar, they add baking soda (bicarbonate of soda), to favour the crystallization. One palm tree can give 5 to 8 litres of sap (during the two harvests), from which it is possible to get 0.5 to 1 liter of sugar syrup, or 0.5 to 1 kg of crystal sugar. Even if these palm sugar trees are present in the whole island, and were probably harvested for sugar production in the whole island, the sugar production is now concentrated in 5 kecamatan of the island (the others being more specialized in rice production), and it is estimated that only 60% of the palm are harvested nowadays.

- *Management of GI quality: needs to improve product competitiveness on the market?*
- *Traceability*

The questions of the delimitation of the production area and of the traceability system are very simple: the GI area should be the whole island, and a traceability system can easily be set up after an inventory of the palm trees (even though this inventory will be a long task).

#### b. Political will to go for a GI

- *Is the product proposed by local communities for possible GI?*

Considering the characteristics of this local system, this kind of project can be dangerous, and it does not seem to fit with the strategies of Rote producers and inhabitants, for whom palm tree is part of their culture and heritage, and who did not try to develop the palm sugar production with an exclusive economic motivation. Considering that, other tools than GI could be used to help this community to preserve and valorize their cultural heritage; the registration of this product in an inventory of the Indonesian culinary patrimony could be one of them.

- *Is the Product a priority of national authorities for GI? Which authority?*

This traditional activity does not benefit from particular support projects.

#### c. Potential for income generation for producers:

- *How much is produced?*
- *Where is it consumed?*

- *How is it traded?*

The supply chain is very local. An important part of the production is self-consumed by the family. The surplus are sold to local markets, or bought by middlemen who are selling them in other local markets (for the majority of the production) or sometimes in Kupang (a more important city, in the close Timor Island). The market seems quite stable, with an apparently good equilibrium between supply and demand. The prices remain stable for the last years.

- *Which market could be developed?*

The setting up of a, even feasible, quite complex traceability system would not have a lot of sense. It would make sense if the production would begin to be sold in other Indonesian regions, or even exported, but the impossibility to plant new trees and to develop the production is an important constraint for that. And the sale of part of the current production elsewhere would have potentially important rising effect on local prices, which could be highly destabilizing for this traditional production system.

- *Are there usurpations?*

Currently, the (quasi-exclusively local) consumers do not have any question concerning the geographical origin of the palm sugar they buy (all the palm sugar sold in Rote definitely comes from Rote Island, the prices are not that remunerative to allow any kind of importation, and the local production is sufficient).

d. Other benefits for producers

- *Organization of group of producers*

It is a family activity, made by men and women sometimes with the help of their children. There are no “formal” enterprises dedicated to this activity. But some palm trees owners can hire workers (male and female) to harvest the palm trees and process the sugar. In this case, the production is divided in 2 equal parts (50% is for the palm tree owner, 50% for the workers).

- *Quality improvement*

e. Possible content of the GI specification that

- *maintain biodiversity: which resource, which production system*
- *create value: who is included/excluded*

f. Relevance of a pilot project on this product

The main purpose of a GI registration would be to recognize and maybe to preserve a cultural patrimony. There is here indeed an important stake. This traditional activity is now decreasing, as the young Rote people are less and less tempted by sugar production, which is very constraining (regarding the working hours), and even dangerous (considering the palm trees climbing, which is realized manually). It seems important to preserve and help the maintaining of this traditional activity, of this cultural patrimony.

#### 4. VIETNAM

All the cases in Vietnam are from Casrad, Centre for agricultural system research and development, Vietnamese academy of Sciences and Technology, Hanoi, working on GI for indigenous crops. Data were furnished by Dr. Dao The Anh and Vu Hu Cuong from Casrad in June 2013.

##### **VIETNAM: Sang vegetables from Perfume Pagoda**

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All the data for this case are from Casrad, Centre for agricultural system research and development, Vietnamese academy of Sciences and Technology, Hanoi, working on GI for indigenous crops. Data were furnished by Dao The Anh and Vu Hu Cuong from Casrad in June 2013.

##### a. Product

- *Name(s) of the products with GI certification potential:* Sang vegetables

Additionally, it is also called “Mi chinh” plant, “Ngot” vegetable or “Sang” vegetable of Perfume pagoda (Perfume Pagoda is a folk name but actually is a complex culture – Vietnam religion), or “Sang” vegetable of Hanam ( Hanam is a province that is at the border of the Perfume pagoda).

- *Why is the product specific, unique, and it is worth citing it here?*

In Vietnam, “Sang” is a common vegetable in riverine forest, in costal mountain in Northern provinces such as: Quang Ninh, Lang son (Huu Lung), Cao Bang, Lao Cai, Bac Thai, Vinh Phuc, Ha Tay (My Duc – Perfume Pagoda), Ninh Binh (Cuc Phuong), Son La, Lai Chau, Thanh Hoa, Nghe An, Quang Nam – Da Nang, Truong Son Forest, Kon Tum, Gia lai, Lam Dong. In the South of Vietnam, it is only known in forest of Dinh mountain (B aria – Vung Tau). It lives in an altitude of about 100-200 above sea level. It is also distributed in Xuan Son National Park where the density is highest and is a buffer zone of Phu tho province. “Sang” plant is used as a vegetable for a long time. Over time, “Sang” vegetable in the Perfume Pagoda became gradually a famous delicious vegetable associated with the reputation of Perfume Pagoda (belongs to Ha Tay province, now in Hanoi Province). “Sang” vegetable is widely distributed, mainly in limestone mountain areas, low – hill area. Because “sang” vegetable grow naturally in limestone mountain area with low nutrient in sold, it have to get a source of nutrition from stone mountains to become more sweet and brittle (according to many harvesters). Moreover, Perfume Pagoda “Sang” vegetable is famous for the sacred spirit of Buddhist land.

“Sang” is a unique forest vegetable. Most of the vegetables belong to herbs family but “sang” vegetables are tree species. As the natural exploitation in forest, they are safety food. They are considered as organic vegetable because there is no impact of chemical (fertilizer). Unlike other vegetables grown just a short time (usually less than 1 year) for harvest, from planting to the first harvest of “Sang” vegetable, it takes at least 3-5 years and after 10 years, it is harvested in large quantities. “Sang” vegetable contains protein and amino acid content higher than other vegetables as “Ngot” vegetable and bean...100g of ”sang” vegetable include 6.5-8.2g protein, 0.23g lysine, 0.19g metinonin,0,08g tryptophan, 0,25g phenylalanin, 0,45g treonin, 0,22g valin, 0,26g leucin and 0,23g isoleucin, 11,5mg vitamin C, 0,6mg caroten etc.. (book of Medicinal Plants, Remedies and Specific of Pham Thiep, Le Van Thuan, Bui Xuan Chuong – Medical Publishing House, Ha Noi, 2000).

Because of limestone mountain area, “sang” vegetable of Perfume pagoda is more delicious than vegetables of other areas. Moreover, “Sang” vegetable is associated with a famous cultural complex in Vietnam (Perfume pagoda).

People say that “Sang” vegetable is not only famous for its delicious taste but also for the sacred spirit of Buddhist land. The reputation is national.

- *Biological resource from which the product comes (vernacular name, scientific name):  
Indigeneous variety/breed?*

“Sang” tree was discovered in Hanam and Perfume Pagoda and belongs to family Opiliaceae. Family Opiliaceae is distributed in the tropical and sub-tropical area, particularly in Asia (Nguyen Nghia Thin, 2006). *Melianta suavis* Pierre species (2006) is the unique genetic resource and one of only two species of the genus *Melientha* that is not widely distributed in Indochina (Laos, Cambodia and Vietnam) and Thailand. In the area of Perfume pagoda and Kim bang (Ha Nam), 3 species of plants have been classified as follows:

“Sang” tree belongs to the genus *Melientha suavis* Pierre, family Opiliaceae. “Sang” twining plant belongs to the genus *Combretum latifolium* BL, family *Compirataceau* “o ga” vegetable belongs to the genus *Lepionorus silvestris* Blume, family *Opiliaceae*.

- *Geographical area: Ecosystem with high biodiversity?*  
Growing up naturally in forest.

- *Destination of the product (Food or non-food):*  
“Sang” vegetable is not only served for food but also for medicine.

- *Traditional product: how long is the history?*  
It has been using for a long time but people do not ever know. There are anecdotes about the poet Tan Da who loves “Sang” vegetable as follows: At spring festival of Perfume pagoda in January 1923, Poet Tan Da had posted a poem with a title “Sang” vegetable of Perfume i pagoda in a volume “story on earth 1”. Its content illustrated the famous of “Sang” vegetable of Perfume pagoda and the passion of Tan Da poet for “Sang” vegetable. After the last spring festival of Perfume pagoda, Tan Da had received a postal parcel that sent from Phu ly. When he opened it, he saw a bunch of fresh “sang” vegetables and he was surprise because of a postal parcel without sender’ name and address, there had only a poem of Do Tang poet. This is a true story and it lately became an anecdote whenever local people refer to “sang” vegetable. “Sang” vegetable is also served for the Vietnam military when they operate in the forest during the period of Vietnam war. Stalks of “sang” vegetable are dried and it is used instead for monosodium glutamate.

- *Specific know-how?*
- *Cultural practices linked to the product*

There is almost no impact as it is mainly natural exploitation. Some households grow “sang” vegetable in their home garden but not impact on any technique (according to people, they don’t want to use chemical fertilizers that reduce quality of “sang” vegetable and do not keep special delicious taste. Vegetables-tree, which grows in the forest and only local communities have the knowledge to harvest and collect vegetables. The tree is also cultivated from young plants and seeds.

- *Management of GI quality: needs to improve product competitiveness on the market?*

- *Traceability*

b. Political will to go for a GI

- *Is the product proposed by local communities for possible GI?*

- *Is the Product a priority of national authorities for GI? Which authority?*

From 2011 – 2012, Ha nam province assigned to CASRAD to carry out a project: Building the model “Conservation and development of “Sang” vegetable in the hills and mountains of Kim Bang district (Ha nam). After the finish of project, Ha nam province continued implementation of the project “ building a model for development of “sang” vegetable in the hills and mountains of Kim bang, Thanh Liem district to expand the scale

Hanoi is also planning to develop “Sang” vegetable from Perfume pagoda into products for selling in the market

=> Proposing to set up GI for 2 producing areas of 2 localities that are situated side by side separated by a Mountain, Kim Ba and Thanh liem, both designated with the name Ha Nam.

There is funding from the Province of Ha Nam to improve the reproduction of seeds in 2010/2011. Then in 2012-2013, there were funding from the Ministry of Sciences and Technology at 60%, the rest by the Province who supports the extension of the production zone. There is also the willingness to produce same vegetable in other Province such as Hoa Binh.

c. Potential for income generation for producers:

- *How much is produced?*

Not produced yet, mainly exploited naturally (no detailed statistics). In the Xuan son National Park, “sang” vegetable was sold with price from 50.000 – 300.000 VND/kg. “Sang” tree (*Melientha suavis Pierre*) is priced from 170.000 to 200.000 VND/kg in Phu Ly ( Ha Nam) and its retailed price is up to 300.000 VND – 400.000 VND/kg. “Sang” plant (*Combretum latifolium BL*) is priced 100.000 VND/kg leaf (in the Perfume pagoda Festival). At point of the lowest price, it is sold for 40.000 VND/kg. Previously, sang vegetable was only collected in the forest before being cultivated, with the same quality. Forests are distributed to residents for growing plants in the 3 border provinces of Hong Thuong and Hanam.

- *Where is it consumed?*

Mainly sold in Perfume pagoda Festival, a small part in Phu ly and a few supermarkets in Hanoi (from January to March lunar year).

- *How is it traded?*

Through collection on site and from Perfume pagoda areas, sale deal without contract.

- *Which market could be developed?*

Markets are around the Perfume pagoda, in restaurants in Phu Ly; in supermarkets in Hanoi. Now, supply is not enough for demand. During 3 months, there is a festival at the Perfume Pagoda, with lot’s of tourists and thus a high demand which might lead of abuse of collect of vegetables. There is also a project of resort in the region (Kim Ha) which will lead to an increased demand. GIs can then help to develop and monitor cultivation whereas there is a need to solve the issue of too low yields and very short season of production, only spring, for a product which needs to be consumed fresh.

The objectives of Casrad, a research center are to :



- Reproduce the plants in seeds in the laboratory, faster
- Extend the geographical area of production
- Help producers to access to the market everywhere in Vietnam
- Accompany the strategy of signalization towards a collective trademark or a GI

- *Are there usurpations?*

“Sang” vegetable is extensively distributed in Vietnam. However, “Sang vegetable of Perfume pagoda” is the most delicious. Because of the reputation, vegetables of other areas can take advantage of its reputation in the market

d. Other benefits for producers

- *Organization of group of producers*

Self – produced, mostly exploited naturally. In “Sang” vegetable season, local people begin to them harvest in the forest.

- *Quality improvement*

“Sang” vegetable is already included in the Red Book of Vietnam. Currently, Vietnam implement forest and land allocation policy for people and “Sang” vegetable is grown and develops in the forest. Therefore, the conservation and maintenance of biodiversity is suitable.

e. Relevance of a pilot project on this product

Currently, “Sang” vegetable is just exploited naturally. Moreover, the vegetables in the forest are not owned by any individual, that caused the low – density of “Sang” vegetable from breaking off braches, cutting stems etc....) Currently, there have been several studies of CASRAD on Ha Nam “Sang” vegetable, Northwestern University on “Sang” vegetable of Xuan Son National Park. However, these studies are only in the early of multiplication and production expansion.

Quality of products is identified and has been passed from person to person but there is no formal study. Therefore, it is necessary to scientifically support it in order to increase the quality and the uniqueness of the product.

## **VIETNAM: Tam Dao Chayote**

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All the data for this case are from Casrad, Centre for agricultural system research and development, Vietnamese academy of Sciences and Technology, Hanoi, working on GI for indigenous crops. Data were furnished by Dao The Anh and Vu Hu Cuong from Casrad in June 2013.

a. Product

- *Name(s) of the products with GI certification potential: Tam Dao Chayote*

- *Why is the product specific, unique, and it is worth citing it here?*

Tam Dao have not only a cool climate, many tourist attractions but the soil is very suitable for growing chayote. One thing in particular is chayote growing in Tam Dao can remain the natural

green color, crispness, sweetness and typical aroma characteristics after processing unlike any other regions where grow this vegetable too, it is the same with chayote's fruit. Boiled chayote vegetable and chayote fruit with peanut oil or sesame oil is a favorite appetizer of the common people or even luxury customer in restaurant, and it is a speciality that indispensable in the menu of restaurants, hotels in this districts Tam Dao. Chayote growing in Tam Dao can remain the natural green color, crispness, sweetness and typical aroma characteristics after processing unlike any other regions where grow this vegetable too. Tam Dao Chayote is maybe created partly by the cool climate all year round that different with other regions in Nord of Vietnam (hot summer). Tam Dao Chayote product is also associated with famous historical - cultural heritages such as Tay Thien pagoda, Tay Thien temple where worship Nang Thi Tieu – Tay Thien mother

- *Biological resource from which the product comes (vernacular name, scientific name): Indigeneous variety/breed?*

Indigenous name: chayote, Scientific name: *Sechium edule* (Jacq.) Sw.

- *Geographical area: Ecosystem with high biodiversity?*

Tam Dao is a town of Tam Dao district, Vinh Phuc province, Vietnam, which benefits from a cool climate all year round which distinguishes it from other region of Vietnam.

- *Destination of the product (Food or non-food):* food: top and fruit are used as vegetables

- *Traditional product: how long is the history?*

Very recent, only 5 years old

National reputation

- *Specific know-how?*

- *Cultural practices linked to the product*

Because chayote is very adaptable to the climate here so people rarely use pesticides

- *Management of GI quality: needs to improve product competitiveness on the market?\**

- *Traceability*

b. Political will to go for a GI

- *Is the product proposed by local communities for possible GI?*

- *Is the Product a priority of national authorities for GI? Which authority?*

Tam Dao Su Su est a collective trademark filed by the Province of Tam Dao.

c. Potential for income generation for producers:

- *How much is produced?*

- *Where is it consumed?*

Consumption in local (because of possessing tourist activities), supply for some supermarkets

- *How is it traded?*
- *Which market could be developed?*
- *Are there usurpations?*

d. Other benefits for producers

- *Organization of group of producers*

The town has 163 households out of which 143 grow chayote (data in 2012 January) for an area of about 50ha.

- *Quality improvement*

f. Relevance of a pilot project on this product

## **VIETNAM: H'mong mustard**

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All the data for this case are from Casrad, Centre for agricultural system research and development, Vietnamese academy of Sciences and Technology, Hanoi, working on GI for indigenous crops. Data were furnished by Dao The Anh and Vu Hu Cuong from Casrad in June 2013.

a. Product

- *Name(s) of the products with GI certification potential: H'Mong Mustard*

- *Why is the product specific, unique, and it is worth citing it here?*

The scientific name of H'Mong Mustard is *Brassica juncea*, family: broccoli. The species in this group posse small and rounded petiole, leaf is narrow and smaller than Field cabbage, leaf surface is thin and yellow or blue green, cold and rain resistant. H'mong mustard is widely grown in the garden or on the terrace of the local uplands by ethnic minority groups. Therefore, this is called in different ways by diverse ethnic languages such as Pắc Cắt (Lai Châu), Bon rua in Thanh Hoá, Lày Cải in Hoà Bình, Pắc Cát or Plày in Sơn La, Don dua in Nghệ An. The Kinh ethnic calls it “cái mề” – H'mong ethnic because it is often grown in high moutain area. The H'mong people considers this mustard as a speciality at Tet vacation, they fry it with dried beef. H'mong mustard leaves are creasy, shaft is round, tough, but they become so cripsy, sweet, a little bitter, delicious while friing with beef. This kind of food is easy to eat and attracts many tourists. (*Source [giadinh.net.vn](http://giadinh.net.vn)*).

- *Biological resource from which the product comes (vernacular name, scientific name):  
Indigeneous variety/breed?*
- *Geographical area, Ecosystem with high biodiversity?*

H'mong mustard is mostly distributed in the provinces in mountainous area in the North: Chấn – Yên Bái, Tân Sơn – Phú Thọ, Hà Giang, Sapa – Lào Cai, Mộc Châu – Sơn La. It is a rare speciality, pur, crispy, well growing, good disease resistance.

- *Destination of the product (Food or non-food): food*
- *Traditional product: how long is the history?*
- *Specific know-how?*
- *Cultural practices linked to the product*

The survey result of Sapa Economic Department – Lao cai show that: in 2006, H'mong mustard is the name of a broccoli that people here grow in the Northern mountain, especially in Sapa, Lao cai, along maize and paddy fields. This vegetable is able to grow naturally without taking care. The dishes made from this mustard are very delicious, natural sweet without sodium glutamate while processing. People often harvest this mustard and process many unique food with it like frying with bacon, with beef, or boiled.

- *Management of GI quality: needs to improve product competitiveness on the market?*

Research on H'mong mustard is still modest. In 2001 – 2003, Plant resources Center researched, Centre for Plant Genetic Resources in 2001-2003 were studied, selected some delicious mustards, high productivity, late flowering that can be planted in the 4 seasons in a year, but then there were no funding to expand and exploit, this variety stopped only in preserving in cold storage.

- *Traceability*

b. Political will to go for a GI

- *Is the product proposed by local communities for possible GI?*
- *Is the Product a priority of national authorities for GI? Which authority?*

c. Potential for income generation for producers:

- *How much is produced?*

Indigenous vegetables like H'mong mustard is only about 10% of the daily diet of the upland people. However, it has the potential to bring high economic benefits to the region.

- *Where is it consumed?*
- *How is it traded?*
- *Which market could be developed?*
- *Are there usurpations?*

d. Other benefits for producers

- *Organization of group of producers*
- *Quality improvement*

e. Relevance of a pilot project on this product

H'mong mustard might be better protected with collective trademark or certification trademark as its cultivation is very recent.

## **VIETNAM: Bo Khai from Bac Kan**

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All the data for this case are from Casrad, Centre for agricultural system research and development, Vietnamese academy of Sciences and Technology, Hanoi, working on GI for indigenous crops. Data were furnished by Dao The Anh and Vu Hu Cuong from Casrad in June 2013.

a. Product

- *Name(s) of the products with GI certification potential: "Bo Khai"*

Local name: "Bo Khai" is also known as Da Hien, Khau Huong, Phac Hien (Tay), Long Chau Soi (Dao), Day huong. "Bo Khai" vegetable of Bac Kan (Bac Kan was a revolutionary base of The Northernmost Vietnam) is now a northeastern province of Vietnam. Another way to pronounce "Bac Kan" is "Pac Cam" (Tay language means Gateway) or Bac kan is pronounced from the word "Pac Cap" (Tay language means confluence of the flow). "Bo Khai" Vegetable is also known as Da Hien, Khau Huong, Phac Hien (Tay) , Long Chau Soi (Da).

- *Why is the product specific, unique, and it is worth citing it here?*

Bo Khai is a common vegetable in Northern of Vietnam, also in the some central provinces, the highlands and the South-central coastern; and is distributed in the Northeast including: Cao Bang, Lang son, Ha Giang, Tuyen quang, Phu tho, Bac Kan, Thai nguyen, Bac Giang. It also cultivated in Southern China, Laos and Cambodia. "Bo Khai" vegetable is extensively distributed in Vietnam but "Bo Khai" vegetable of Bac Kan is considered the most delicious, due to its growing on limestone mountain area.

- *Biological resource from which the product comes (vernacular name, scientific name):  
Indigeneous variety/breed?*

*Erythralum scandens* Blume belongs to Dâu hương (Elythropalaceae) family.

- *Ecosystem with high biodiversity?*

Plant usually grows wild along the secondary forest, recovering forest or poor forest affected strongly by type of tropical rain forest...; is distributed along limestone forest. "Bo Khai" vegetable grows up very fast, sprouting new leaves throughout the year, except for a few months in winter, the temperature is too low. Flower grow on old buds or stems, inflorescence appear at the top of stem with many small flowers. Fruiting season is from July to September but those fruits could be remained until the next flowering time. Ripening fruit looks like chinaberry fruit but smaller with yellow or light red color. "Bo Khai" consists 2 types: Red "Bo Khai" and White "Bo Khai". Stalk of red "Bo Khai" is purple color but stalk of white "Bo Khai" is no purple color.

- *Destination of the product (Food or non-food): food*

Making food: 100g of "Bo Khai" vegetable contain 78.8g of water, 6.1g of gluxit; 7.5g of cellulose; 138mg calcium; 40.7 mg phosphorus, 2.6 mg carotene, 60 mg vitamin C.

“Bo Khai is also a precious medicine that is used to treat nephropathy, liver disease and yellow urine. In China, “Bao Khai” vegetable is also use to treat nephritis, hepatitis, urinary infection, and urinary bladder disease with a daily dosage of 12g-14g in boiling drinking water.

According to the experience of Bac Kan people, drinking water is boiled from “Day huong” (name in local language) vegetable to treat viral hepatitis. Fresh stem without leaves, dried and sliced, soak in alcohol to bring down fever and treat rheumatism.

- *Traditional product: how long is the history?*

People have been using Bo Khai for a long time, do not ever know. To extend the production, the cultivation started in 2010. 2 years are necessary to get the tree (the vegetable is the leaves of a tree), with the issue of lack of shadow compared to trees growing in the forest.

- *Specific know-how?*
- *Cultural practices linked to the product*

There is almost no impact of cultural practices as it's mostly a natural exploitation. Some households have grown “Bo Khai” vegetables in the garden but not use any special technique. According to their estimation, “Bo Khai” vegetable is unsuitable for chemical fertilizer. When using chemical fertilizer, the quality of “Bo Khai” vegetable reduces and does not keep the special sweet taste.

- b. Is the Product a priority of national authorities for GI? Which authority?

From 2008-2010, Casrad implemented the project of diversifying income with underutilized crops. The project has successively analysed the multiplication model of “Bo Khai” vegetable from the cutting method in Cho Don (Bac Kan). From the successful results of the project, Bac kan province intends to register Intellectual Property for this product later on.

- c. Potential for income generation for producers:

- *How much is produced?*
- *Where is it consumed?*
- *How is it traded?*

“Bo Khai” vegetable is sold in the market of big cities, particular in the high-ranking markets. The special value of “Bo Khai is highly appreciated for the cuisine value, nutritional value and medicinal food. Therefore, this product is expected to bring high economic efficiency for producers and to respond to needs of consumers. On the other hand, at the moment, in the market of “Bo Khai” vegetable, supply is not enough for demand. Increasing the scale and quality of production takes advantage of the market development.

Economic value: 50.000 - 60.000đ/kg, sell at the producing areas in 2011. “Bo khai” is high value plant. However, the investment to produce this vegetable has not yet pay enough attention (normally collected from natural areas).

- *Which market could be developed?*
- *Are there usurpations?*

d. Other benefits for producers

- *Organization of group of producers*
- *Quality improvement*

e. Relevance of a pilot project on this product

For preservation concern, “dây hương” belongs to a single plant family and species, thus, developing this specie means to preserve valuable germplasm. In the future, companies must support farmer with providing plants of high yields and famers shall create diversity with home garden plants. Home consumption will contribute to poverty reduction in the mountainous areas. Currently, “Bò Khai” is explored from natural areas

## 5. ETHIOPIA

Ethiopia is richly endowed with immense biological diversity and unique environment. As a result, most of the diverse agricultural products produced in the different parts of the country constitute important potential sources for GIs products. Sesame, from Humera, Gonder and Wollega, exported to the EU. Soybeans, ginger and roses are also important agricultural products from among pulses, spices and flora, and most of them potentially qualify for GI protection. They are all export commodities. There is an on-going task of the Environmental Protection Authority to identify products eligible for protection in the context of environmental protection.

### **ETHIOPIA: Timiz (long black pepper)**

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All data for this case are from Avril, Marion- A study case on Timiz (Piper capense) - Montpellier SupAgro – Gardens of Ethiopia – 2008 - 62 p; Quel potentiel pour la mise en place d'une Indication Géographique sur deux produits éthiopiens: Le poivre timiz de Bonga et le miel blanc de Masha? Mémoire en vue de l'obtention du Diplôme d'ingénieur de spécialisation en Agronomie Tropicale de l'IRC.

#### a. Product

- *Name(s) of the products with GI certification potential: Timiz (long black pepper)*

- *Why is the product specific, unique, and it is worth citing it here?*

Endemic plant of East Africa found in wet highlands, produced traditionally for human consumption and medicinal use

- *resource from which the product comes (vernacular name, scientific name):  
Indigenous variety/breed?*

*Piper capense*

- *Ecosystem with high biodiversity?*

Essentially found in the unique ecosystem of Bonga's coffee forest of the South West Of Ethiopia (Gimbo woreda of Kaffa zone). Between 1500 and 2500 m (same conditions as wild coffee, but can be found at higher altitude). 1800 mm rain from March to October. Timiz needs shadow of dense forest.

- *Destination of the product food or non-food): food and medicine*

- *Traditional product: how long is the history?*

- *Specific know-how?*

- *Cultural practices linked to the product*

Picked in December. May be smoke dried (3 days, but less quality), or sun-dried (2 weeks, better quality). Loss of weight during drying is 50%.

- *Management of GI quality: needs to improve product competitiveness on the market?*

- *Traceability*



b. Political will to go for a GI?

- *Is the product proposed by local communities for possible GI?*
- *Is the Product a priority of national authorities for GI? Which authority?*

c. Potential for income generation for producers:

- *How much is produced?*

Value chain is not organized. It is considered as an easy cash crop by producers, the only source of cash for some of them.

- *Where is it consumed?*

Local long black pepper (abesha timiz) is in competition with imported one (*farrendji timiz*) (Piper longum). Indian long pepper is mostly found in tropical Asia. Very famous in Indian cooking, it is more expensive (2 times more expensive) because of very high importation taxes (since 1979). Ethiopian people prefer local timiz, which is said to be less strong but with different aromas. 150t produced in Bonga.

- *How is it traded?*
- *Which market could be developed?*
- *Are there usurpations?*

d. Other benefits for producers

- *Organization of group of producers*

2 local NGOs Farm Africa, SOS Sahel Intl) are working in a “participatory Forest Management Programme” with a section on NTFP of Bonga forest.

- *Quality improvement*

Quality can be improved (drying). Domestication can improve quality but break links with ecosystem: to be cared about in a GI.

e. Relevance of a pilot project on this product

## 6. MAURITANIA

### MAURITANIA Henne Cheggar

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All the data for this case are from Women's coop chairwoman: Mariem mint Boubacar and Sid Ahmed Elkory.

#### a. Product

- *Name(s) of the products with GI certification potential:* Henné Cheggar

- *Why is the product specific, unique, and it is worth citing it here?*

It is appreciated for therapeutic and aesthetical qualities. It contains high content in Fe and Zn attested by national laboratory (Centre national de recherche océanique et des pêches).

- *Biological resource from which the product comes (vernacular name, scientific name):  
Indigeneous variety/breed?*

Leaves of *Lawsonia inermis* (hina or henna in English)

- *Ecosystem with high biodiversity?*

Cultivated since half a century in a temporary pond: a rare humid area in a semi-arid region. Used for dyeing skin or hair in yellow, red, black. Henné is cultivated in Cheggar since half a century.

Small tree (1 m) grown alone or under palm trees. Leaves are picked by women, dried at open air in shadow, then cleaned, crushed in mills, sieved, weighted, put in bags (in which are also instructions for use printed on a leaflet).

- *Destination of the product (Food or non-food):* non food

#### b. Political will to go for a GI

- *Is the product proposed by local communities for possible GI?*

- *Is the Product a priority of national authorities for GI? Which authority?*

A feasibility study has been funded by CDE, which showed potential economic impact. Proposed for GI by national authorities to OAPI.

#### c. Potential for income generation for producers:

- *How much is produced?*

Packed henné cheggar meets commercial success on national, Maghred and blegian markets. Turnover: 80 000 €/year

- *Where is it consumed?*

- *How is it traded?*

- *Which market could be developed?*

- *Are there usurpations?*

d. Other benefits for producers

- *Organization of group of producers*  
70 women are members of the Cooperative.

- *Quality improvement*  
Investment of 183 000 € in the quality improvement.

e. Relevance of a pilot project on this product

## **MAURITANIA: Mullet**

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All the data for this case are from PNBA (Nouakcote), PNBA (Nouadhibou), Sid Ahmed Elkory; Bernardon, Matthieu et Vall, Mohammed Ould Mohammed .- *Le Mulet en Mauritanie: biologie, écologie, pêche et aménagement*. FIAB – PRCM – IUCN .- s.l. s.d. .- 54 p. .- ISBN : 2-95149 14-3-3, Boulay, Sébastien .- *Statut d'exception du Mulet jaune (...)* .- *Anthropozoologica* ; 2010 .- 45, pp. 101 – 114, <http://www.youtube.com/watch?v=vFITZz-37-Y>

a. Product

- *Name(s) of the products with GI certification potential: mullet*
- *Local and traditional names: hout imraguen, hout sahel, lekhleea, beidh lhout*
- *Why is the product specific, unique, and it is worth citing it here?*

Products from Flathead mullet (*Mugil cephalus*): botargo (French : poutargue), oil, dried meat. Botargo is a Mediterranean delicacy made from the roe pouch of mullet (sometimes Atlantic bluefin tuna or swordfish). It is massaged by hand to eliminate air pockets, then dried and cured in sea salt for a few weeks (source: *Wikipedia*)

- *Biological resource from which the product comes (vernacular name, scientific name):  
Indigenous variety/breed?*

Flathead mullet (*Mugil cephalus*)

- *Ecosystem with high biodiversity?*

A national park has been created in 1976 to protect Banc d'Arguin specific environment.

- *Destination of the product (Food or non-food): food*

- *Traditional product: how long is the history?*

“For at least five centuries, Flathead mullet (*Mugil cephalus* Linne, 1758) has been fished on the Atlantic Coast of Mauritania, in the Banc d'Arguin area, by a few Imragen families, who distinguish themselves amongst Moorish people by the practice of a seasonal fishing. The mullet is also subject to singular consumption practices: every year, pastoralist families from the Atlantic

fringe of the Sahara invite themselves amongst Imragen in order to follow a cure by eating boiled or dried fish and fish oil. Since this Bedouin and Muslim society considers that only ruminant or wild land animal meat is good to eat, mullet consumption constitutes an exception.” Products are renowned since centuries, but have been threatened by the development of industrial fisheries. Since 1976 and the creation of Banc d’Arguin National Park (PNBA) traditional technologies and sustainable development are promoted with the support of international organizations.

- *Specific know-how?*

Specific traditional fishing techniques described by Bernardon (see Bibliography). Specific cultural practice discusses by Boulay, 2010.

- *Cultural practices linked to the product*
- *Management of GI quality: needs to improve product competitiveness on the market?*
- *Traceability*

b. Political will to go for a GI

- *Is the product proposed by local communities for possible GI?*

“Imraguen womens’ mullet botargo” is a Slow Food Presidia. See: <http://www.slowfoodfoundation.com/presidia/details/454/imraguen-womens-mullet-botargo>

- *Is the Product a priority of national authorities for GI? Which authority?*

Products proposed as GI to OAPI by “Parc national du Banc d’Arguin” through national authorities.

c. Potential for income generation for producers:

- *How much is produced?*

There are some hundreds of producers. Prices of products sold by PNBA are 13€/kg for tichtar, 20-30€/kg for botargo, Much higher than the price of similar products.

- *Where is it consumed?*
- *How is it traded?*
- *Which market could be developed?*
- *Are there usurpations?*

d. Other benefits for producers

- *Organization of group of producers*
- *Quality improvement*

e. Relevance of a pilot project on this product

## **MAURITANIA: Dates from Toungad**

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All the data for this case are from Sid Ahmed Elkory; 222 35 10 99; 222 36 33 83 44; [elkory45@yahoo.fr](mailto:elkory45@yahoo.fr).

### a. Product

- *Name(s) of the products with GI certification potential*

Lahmar dates from Toungad (dates Lahmar de Toungad)

Local name: Lahmar Toungad, Etmar Lahmar Toungad

- *Why is the product specific, unique, and it is worth citing it here?*

Stones are thin and long, (in lower areas, stones are more round)

- *Biological resource from which the product comes (vernacular name, scientific name):  
Indigeneous variety/breed?*

*Phoenix dactylifera*

- *Ecosystem with high biodiversity?*

A large oasis (20 km x 12 km) from Greiret Atila to Toungad, west of Aoujeft (capital city of Adrar region).

- *Destination of the product (Food or non-food): food*

- *Traditional product: how long is the history?*

Name and origin well reputed since centuries

- *Specific know-how?*

- *Cultural practices linked to the product*

- *Management of GI quality: needs to improve product competitiveness on the market?*

- *Traçability*

### b. Political will to go for a GI

- *Is the product proposed by local communities for possible GI?*

- *Is the Product a priority of national authorities for GI? Which authority?*

### c. Potential for income generation for producers:

- *How much is produced?*

7000t produced by 950 producers from 1,800,000 palm trees. Market is local and regional (Morocco). Price is 50% more than date of other oasis, except Mheireith

- *Where is it consumed?*
- *How is it traded?*
- *Which market could be developed?*
- *Are there usurpations?*

d. Other benefits for producers

- *Organization of group of producers*
- *Quality improvement*

e. Relevance of a pilot project on this product

#### **IV. Key recommendations for GIs to accommodate the needs of poor farmers and conserve biodiversity**

##### ***A. Preliminary identification of weaknesses of current GIs framework***

Advances in the building of legal frameworks vary widely among the target countries, however some common issues are shared by many developing countries.

For example, in Ethiopia there is no specific framework on GIs. Signs or indications designating geographical origin of goods cannot qualify for registration to be protected as collective trademarks. Such indications will be rejected ex-officio by the Ethiopian Intellectual Property Office (EIPO). Even if a trademark system has been used by the Ethiopian government to identify origins of coffee in several countries, the existing collective trademarks cannot guarantee adequate GI protection for most agricultural products in Ethiopia. Indeed there is no exemption to the criteria of distinctiveness for descriptive geographical names to be registered as collective trademarks. This is a basic drawback in the existing collective trademark system in Ethiopia.

One major common feature among the target countries is the lack of use of GIs by producers to identify their goods on the market. Vietnam has registered 38 GIs so far but very few are in use by producers and indicated on labels, most likely because GI protection in Vietnam is a top-down process driven by the State. In the cases studies above, no products are proposed by a group of producers to be recognised as a GI.

Laos recently passed its legal framework but no GI has been registered yet.

In Indonesia and Cambodia, producers are only starting to use GIs, especially Kampot pepper in Cambodia which has a strong export market.

Another common feature is that none of the current frameworks provide for specific mandatory rules for biodiversity conservation and support of poor communities. Reaching such objectives will depend on the way GIs are implemented. The GIs already registered give some clues about how GIs are perceived in the target countries. In some countries, GIs were initially perceived as suitable for export commodities both because the reputation would travel beyond the local or national market and also because it was expected to add more value to the export markets. This is the case of many GIs on coffee, tea, pepper, either from Indonesia, Ethiopia, Vietnam, Cambodia or Laos. The situation might be different for GIs for the local market. For example, in Vietnam, GIs identify fruits cultivated from local varieties such as the banana or litchi. The GI on Mint Alcohol Honey is based on a very specific ecosystem. The proposal of a GI on the “Little chicken rice” variety in Laos strengthens the preservation of a local variety of sticky rice.

Some authors (Forum Geneva, November 2013) also point out that GIs only refer to a product whereas the terms “biodiversity,” “traditional knowledge,” and “biocultural heritage” refer more to a territory, and/or an ethnic group.

This position contrasts with the European vision where GIs are managed directly by producers, which greatly contributes to empower small-scale producers (see the example of Camembert de Normandie below), while collective trademarks are considered as mere indications of source, and do not convey a guarantee of reputation or quality to consumers.

## **B. Recommendations**

Preliminary issue: How to implement the recommendations? Three options are possible:

- as mandatory rules in the national legal framework
- as policy recommendations for those in charge of the scrutiny and the registration of GIs
- as a public policy scheme towards GIs applicants and users

If recommendations are only implemented on a voluntary basis, communication has to be intense about the content of the GI specification supporting biodiversity and poor farmers' communities. By good and systematic information about the consumer, the objective is to make consumer a "co-producer" (the concept of co-producer comes from the movement "Slow Food").

### **Some recommendations from the Forum on Origin, Diversity and Territories, Geneva (Switzerland), November 2013<sup>11</sup>**

“3. Producers in developing countries often face significant constraints in applying for GIs, trademarks etc. Donors and governments should provide greater financial and technical support and capacity building, especially for small-scale producers and indigenous peoples for applying for, promoting and enforcing quality and origin standards.

4. Governments should recognise that producers are the primary stakeholders, even if they are less powerful than other actors (eg. exporters), and producer organisations should be given support so that they can participate on a level playing field in multi-stakeholder processes. This support should include finance, capacity building and government policies that enable small producers to defend their rights.

6. Mechanisms for enforcing GIs and related tools should be strengthened– including regulations to prevent false use of quality standards awareness of the rules and penalties, and funding for research into false use.

7. Governments and GI users need to learn the lessons from past experiences to ensure that GIs do not have negative impacts on biodiversity or traditional cultures, but positively support these wider territorial aspects which give rise to origin-based products. This could be achieved by encouraging producers to seek protection for a variety of products, rather than a single product, and by linking these tools to territorial development plans which provide the broader and longer term vision which shape their objectives.

8. GIs originated in the EU as a trade tool. Governments and donors should be open to adapting quality and origin tools to the specific context and characteristics of developing countries, which often have much higher biological and cultural diversity (eg. large populations of indigenous peoples with collectively held territories in Latin America).

Following relevant and general recommendations, detailed recommendations are provided.

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<sup>11</sup> <http://origin-for-sustainability.org/en/>



## 1. Supporting poor communities

### a. Supporting the representation of small-scale farmers via collective representation

In many GIs legal frameworks, it is generally required that the GI application be filed by a group representing the interests of the producers.

In Europe, the EU Regulation 1151/2012 on quality schemes for agricultural products and foodstuffs provides that (Title V, Chapter IV, Article 49) :

Applications for registration of names... may only be submitted by groups who work with the products with the name to be registered.

The EU Regulation 510/2006 was more precise (Art. 5.1):

Only a group shall be entitled to apply for registration. For the purposes of this Regulation, 'group' means any association, irrespective of its legal form or composition, of producers or processors working with the same agricultural product or foodstuff. Other interested parties may participate in the group.

France<sup>12</sup> provides even further details, requiring that the group should represent producers and processors in an equitable and fair manner. Switzerland stresses the necessary representativeness of the group who should gather at least 50% of the product quantity and represent 60% of the producers, and function according to “*democratic rules*”.

When the legal system enables representative groups to apply, it is a means to encourage small-scale and less favoured stakeholders to get involved in the process. The GI specifications are a strategic tool that can be adapted to each situation and which may include provisions in favour of communities who could otherwise be at a disadvantage.

It is thus a concern that some national legal frameworks allow traders or consumers alone to apply for a GI, as they are not necessarily located in the area of production and processing and might not be linked to farmers producing the good. Even in Indonesia, where the definition of the applicant provides for an institution representing the community in the area where the good is produced, such applicant might include parties who undertake business on goods and traders who sell the goods. In the OAPI system, any stakeholder (even an individual trader) can apply for a GI. As there is no provision requesting for the elaboration of a code of practices, the conjunction of these two elements can result in an implementation of the GI system in a way which is not favourable to local communities, producer groups, and less favoured stakeholders. In the current GI project that OAPI is executing (with AFD funding and Cirad technical assistance), much more is required than in the Annex VI. In practice and considering the accumulated experience of many countries, the GI requires a strong implication of producers, and/or manufacturers, and/or sellers as well as other persons involved in the approach. This is a voluntary and collective approach that is borne by a group of actors of the production chain, who are most often gathered together in associations.

Representativeness of producers means that they can access the collective organization in charge of the GI management. In France, such membership is automatic and cannot be refused to producers and processors from the collective. In Ethiopia, the trademark law is not explicit with regard to the accession of other producers to the association owning the collective trademark. The association's membership should be open to any interested producers of the products in the region as long as they

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<sup>12</sup> Décret no 2007-30 du 5 janvier 2007 relatif à la valorisation des produits agricoles, forestiers ou alimentaires et des produits de la mer

comply with the governing statutes because any unjustifiable refusal by the association to allow such a membership may give rise to concerns of competition law.

The GI collective organisation will be also responsible for the follow-up and internal controls and GI safeguarding.

Generally, for all countries targeted in this study, producers/processors should be more involved in the relevant collective organisation in order to participate in drafting the GI specification. For that task, people granted the power to decide (being the official applicant or not) should be limited to producers or processors or people in charge of packaging, or indeed anyone whose action is connected with the production system. It is preferable to not include in the drafting of GI specification traders or consumers acting alone, as they cannot decide how to produce the good, and they are not necessarily located in the area where the production and processing occurs. Traders and consumers can be consulted by producers/processors but shall not have the final word.

The role of the State as applicant is fine as soon as decisions about the product's specification rest on the hands of producers/processors. The GI application in the name of State might also be provisional, and serves to allow for the necessary time for a collective organisation to be set up. Still, applicants should consult producers to build the specification and a dialogue could be organised among producers.

Collective action represents the main guarantee to promote small-scale farmers. There is a need to provide fair representation of all producers, and in particular small-scale farmers. Small-scale farmers should have the right to decide on the GI content

b. Privileging traditional methods of productions hold by small-scale producers

Maintaining traditional methods of production in the GI specification might help small farmers to be included in the drafting as they are generally the ones holding traditional knowledge. Camembert de Normandie illustrates this strategy. Some years ago, there was a debate in France about raw milk in “Camembert de Normandie” denomination of origin cheese. Two cheese producers, who process milk into cheese and representing around 80% of the production, wanted thermized milk to be allowed in the specification. Smaller-scale producers, many cow farmers, as well as many journalists and gourmet associations, opposed this change. The decision was put in the hands of the GI representative body, where cow farmers are represented, and where decisions are made according to the cooperative model principle of “one person one vote.” Thanks to this legally binding decision “Camembert de Normandie” cheese is still made with raw milk. Had the decision procedure been different, the output would also have been different. This example illustrates that the governance of the GI is of paramount importance.

So as to reinforce the rights and capacities of small producers, it is recommended to use specific language that encourages maintaining traditional methods when drafting the GIs, as well as in the application itself.

Another issue for traditional methods of production is to comply with hygiene and food safety rules, which might be more and more strict in the course of globalisation.

Governance of the GI where small-scale producers have enough voice will allow traditional methods of production of small-scale farmers to be maintained

## 2. Maintaining biodiversity

### a. Need for a specification or a code of practices

In some legislation there is no specific requirement for a link between the area and the “*the quality, reputation or other characteristic of the products.*” Some may argue that a provision of such a link does not have to be mentioned as it is part of the definition of the GI. But without a mention of this link how can the quality to be obtained and the methods to be used defined? Legal systems generally ask for a code of practices (or specification) which must be part of the application, be fulfilled and controlled, such as in the cases of Indonesia, Cambodia, and Vietnam.

Article 7, of EU Regulation 1151/2012 describes a code of practices (referred to here as “specification”) as being comprised of: *the main points of the product specification: the name, a description of the product, including, where appropriate, specific rules concerning packaging and labelling, and a concise definition of the geographical area; a description of the link between the product and the geographical environment or geographical origin referred to in Article 5(1) or (2), as the case may be, including, where appropriate, the specific elements of the product description or production method justifying the link.*

Generally speaking, implementation techniques, as well as quality criteria of the final product, are described in the specification and bring out the features and the differences in relation to the standard product. Biodiversity concerns can be integrated in the GI specification, because it is the voluntary standard collectively decided by stakeholders. It is not necessary that these rules be very complex or many, but they should relate very precisely to the elements which give the product its originality, its “specificity”. The definition of the rules and of the geographical boundaries is intricate, because each of the rules set up in the specifications comes with an exclusion risk, due to geographical or technical requirements, and can for some producers, involve additional costs or investments.

It is imperative that the risks be identified and managed. It is very important to take into consideration the advantages and the disadvantages related to each of the retained choices, given the heterogeneity of the structural and functional characteristics, and the various objectives of the different actors. For that, sufficient time and discussion must be devoted to the definition of the rules embedded in the GI specification, and the information must be widely available to all the stakeholders concerned. Arbitration may therefore be necessary when choosing between the different possibilities.

If an expert team exists, such as in Indonesia where there is an expert team for substantive examination of the applications, it can guide the registration of GIs with respect to public policies. If biodiversity preservation is to be one of the strategies pursued, the GI specification will be the technical document in which to describe its conservation.

The specification or code of practices is the core of any GI system where to choose methods of production sustainable to biodiversity and supporting small-scale farmers
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b. Preservation of traditional varieties and landscape with high biodiversity

In GIs, the use of local landraces or wild species creates a positive incentive to use and maintain the related genetic resource(s). However, productivity objectives emphasize the use of modern breeds or the homogenization of the resource used; rather than being an incentive to diversity it becomes a threat. The main challenge for GIs to support varietal diversity is to allow only local traditional varieties in GI specification, even if yields are lower and to communicate on the peculiar quality of such traditional varieties to get higher income.

Still there is a need to avoid any risk of confusion between plant variety/breed names and GIs. Looking at the legal frameworks of the target countries, it seems relevant that some legislation provided for the prohibition of registering names of plant varieties as a GI. However, the option of changing the name of the plant variety as an exception to such rule in case of a variety still autochthonous and endemic of the area of the GI should be investigated.

Regarding a landscape of high biodiversity, one recommendation is to delineate an area of production of small size and multiply the number of GIs for a certain type of good, each with a distinctive product valorizing a multiplicity of territories. Another option, for annual plants, is to specify in the code of practices that the plant can be grown only one year out of 2, 3, or 4... thus only  $\frac{1}{2}$  (or  $\frac{1}{3}$ ,  $\frac{1}{4}$ ) of the determined area can be sown in a given year. Another option is to consider the whole system of production beyond the product, for example associated crops, or other usages of the territory necessary to be maintained.

Selecting traditional varieties/breed and small size territories will support biodiversity

c. Protecting the whole ecosystem

Research should be conducted in the target countries on how to combine GIs with other schemes which protect heritage concerning the questions of GIs on services, intangible goods or the cultural landscape. The FAO concept of “Globally Important Agricultural Heritage Systems” (GIAHS) is a useful model.<sup>13</sup> GIAHS are defined as "Remarkable land use systems and landscapes which are rich in globally significant biological diversity evolving from the co-adaptation of a community with its environment and its needs and aspirations for sustainable development". GIAHS is a Partnership Initiative which aims to set the foundation for global and national recognition, dynamic conservation and sustainable management of agricultural heritage systems and their associated biodiversity, knowledge systems and cultures. The fundamental goal of the GIAHS Partnership Initiative is development (in the sense of improving income capacity), well-being and outlook of the local communities, especially young generations, and instilling pride and identity in their own agricultural heritage, knowledge systems and culture. Other schemes such as labelling of cultural landscape under Unesco World Heritage should be looked at.

Thinking of combining GIs with other schemes protecting Heritage

<sup>13</sup> <http://www.fao.org/giahs/giahs/en/> <http://www.fao.org/docrep/015/ap021e/ap021e.pdf>  
<http://www.fao.org/docrep/014/i2232e/i2232e.pdf>

### 3. Providing an efficient protection

#### a. Extending the additional protection to all products

At the national level, there is an imperative need to put in place a legislative framework for providing additional protection to GIs for products beyond wines and spirits. Indeed, in many developing countries, main GI products are not wine and spirits but agricultural goods and handicraft. Prohibiting misuses of GIs protected according to the standard protection of art. 22 of the TRIPs Agreement requires the demonstration of the risk of consumer confusion between the original product and a counterfeit product. Providing that such proof is very costly for small-scale producers, according to TRIP's Agreement, national legal frameworks can decide to opt for additional protection to all goods. In the target countries, a deep analysis of the level of protection conferred to GIs should be carried out to verify if it fulfils the producers' needs for robust protection at little cost.

Extend the additional protection of wines and spirits to all goods

#### a. Implementing controls

For all countries implementing GI schemes, controls are the weaker point, with poor capacities at both the State level and the private certification bodies' level.

Lao Reasey, Chief of the Bureau of Geographical Indications and Trade Secret at the Ministry of Commerce, Department of Intellectual Property Rights, describing the situation in Cambodia, identified the future needs well with his example: "Cambodia has two GI markets, local and international. Therefore we need an External Control Body accredited by ISO in order to export Cambodian GI products to European Countries like France and many other countries".

Controls being costly, there should be borne by the State or the local authorities, as it is happening in some Province of Vietnam during the pilot phase of launching GIs on the market.

State's support for control of the compliance of the product with the GI specification shall be provided

### 4. Implementing Access and Benefit Sharing mechanisms via Geographical Indications legal framework:

#### a. Link between Access and Benefit Sharing (ABS) and Geographical Indications:

Geographical indications may relate to access and benefit sharing (ABS) since the product specification includes a description of the product, comprised of the description of the raw materials (and if appropriate, the principal physical and microbiological characteristics of such material), and might be bundled with the property rights that surround one particular genetic resource if raw material is used to produce foodstuff identify by a GI. Yet, sensu stricto, ABS is for genetic resources whose potentialities are not all known, whereas in the area of GI, what is provided is raw material, thus a particular product obtained from the cultivation of a plant variety which might not qualify as genetic resource as it is not a resource anymore but a well-defined product, not able to be reproduced by the user. For example, a ham processor will buy pigs, but dead pigs, and will not

work on the pig as a resource in the sense given by the Convention on Biological Diversity. However, let's extend the concept of genetic resources to such raw material to apply the ABS mechanism.

In applying ABS mechanisms to GIs, the provider of the genetic resources/raw material is the farmer producing raw material and the user of the generic resources/raw material is the producer/processor of the GI product.  
Five situations need to be distinguished depending on whether the GI is on a raw material or a designates a processed good

- *GIs attributed to raw or moderately-processed material:*

Provider and user of genetic resources are the same, and there isn't really a need to provide for ABS scheme.

- *The processed good is made by the producer of the raw material:*

Provider and user of genetic resources are the same, and there isn't really a need to provide for ABS scheme. For example, wines producers in France are usually those who also cultivate grape.

- *The processed goods are made by a different person than the producer of local raw material:*

The issue is the following: how to ensure the benefit sharing of the added value which might be created mostly at the processing step with the producer of the raw material who is part of the GI product preparation? For example, does the GI always ensure that the producer of raw material such as milk producers for Comté in France benefits from the GI? Looking at GIs in India, the example of Pashmina Shawl illustrates a low consideration for the collector of the wool, whose work is little described in the GI application and who does not benefit from the added value as do the artisans weaving the yarn. The association governing the Vietnamese GI on Fish sauce from Phu Quoc does not include the fishermen whereas the source of raw material is a key element of the GI specification.

- *GIs is attributed to processed goods from raw material not sourced in the geographical area delimited by the GI:*

The issue is the following: how to share the benefits arising out from the use of the GI with the provider of the raw material?

Many GIs, especially in the domain of handicraft are made out of raw material of high quality but not necessarily sourced in the geographical area of the processing because such localization does not influence the quality or reputation of the product and thus cannot be restricted to an area (GIs as all IPR are restrictions to the freedom of trade, so the restriction has to be justified by the fact there is a quality or reputation attributable to the geographical origin).

- *GIs are attributed to a raw material which is then used to be processed into the production of other goods:*

This is the case of GI products used as ingredients. For example Olive oil de Provence is used to make soap. The EU Regulation provides in that case that the exclusive right granted to the GI product is enforceable when the GI product is used as an ingredient. It means that if the processed good mentions that it is made out of a GI product when it is not the case, such use shall be prohibited. The EU goes further by providing Guidelines on the labelling of foodstuffs using protected designations of origin (PDOs) or protected geographical indications (PGIs) as ingredients (Commission Communication 2010/C 341/03). The EU Commission considers that a name registered as a PDO or PGI may be mentioned in, or close to, the trade name of a foodstuff

incorporating products if the foodstuff in question does not contain any other ‘comparable ingredient’, i.e. any other ingredient which may partially or totally replace the ingredient benefiting from a PDO or PGI. This ingredient should also be used in sufficient quantities to confer an essential characteristic on the foodstuff concerned. Such guidelines could be introduced in developing countries where there is important production of raw materials which are however often processed elsewhere (usually in developed countries). It could help to promote GIs to final consumers and thus increase the added value with the objective of a better share of benefits with the producers of raw material. Coffee roasted outside the producing countries illustrates this situation. Then, in that case, the national legal framework could provide an obligation to label the processed goods with the mention of the raw material being a GI.

ABS schemes applied to GIs mean that there should be some mechanisms for producers of raw material to get more benefit from the GI when the GI designates a processed goods
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