



# The use of trademarks and geographical indications to add value to agricultural products

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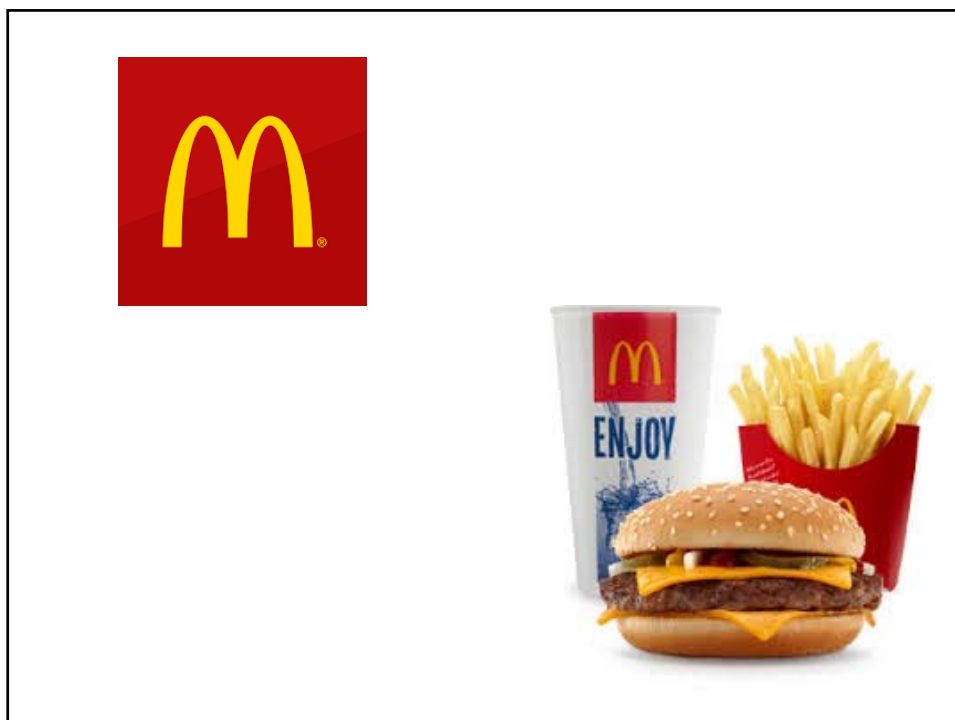
■ INFORMATION ASYMMETRY \*

\* George Akerlof

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## Link with the UPOV Convention

### Article 20(8)

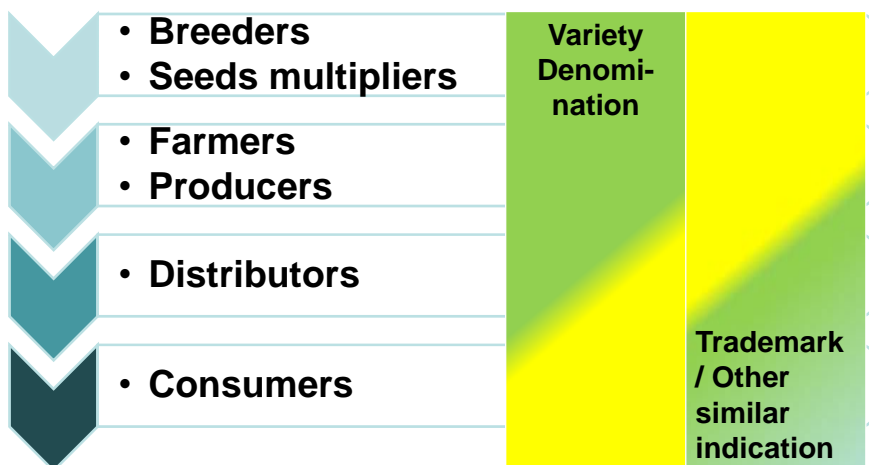
(8) [*Indications used in association with denominations*] When a variety is offered for sale or marketed, it shall be permitted to associate **a trademark, trade name or other similar indication** with a registered variety denomination. If such an indication is so associated, **the denomination must nevertheless be easily recognizable**.

## Link with the UPOV Convention

- Difference between
- **Variety denomination**
    - identifies the variety
    - same in all UPOV members
    - propagating material
  - **Trademark and other similar indication**

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## Link with the UPOV Convention



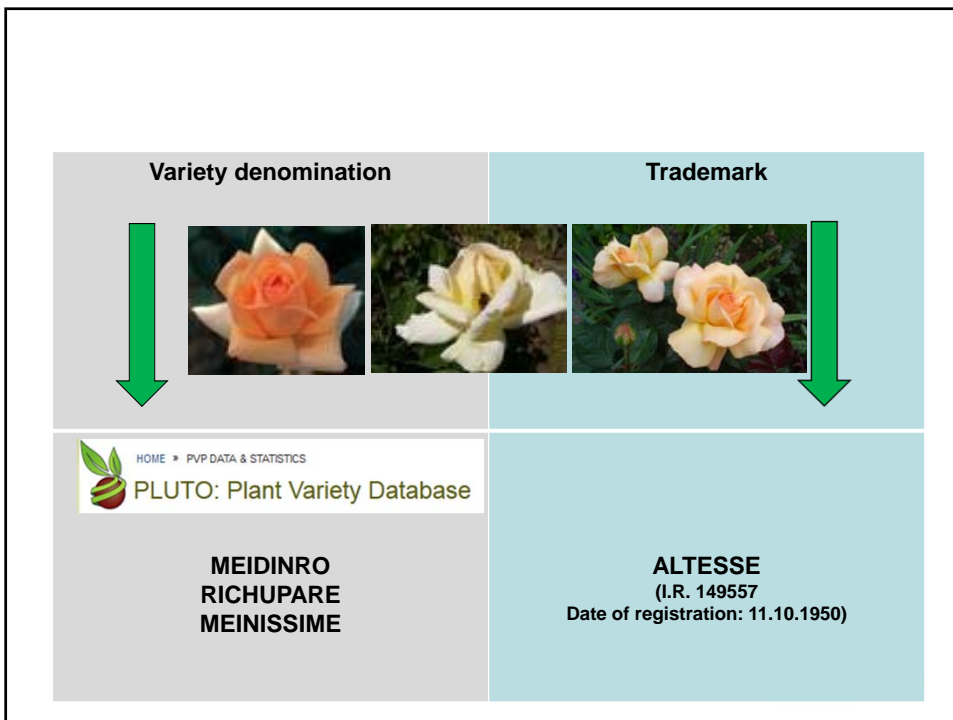
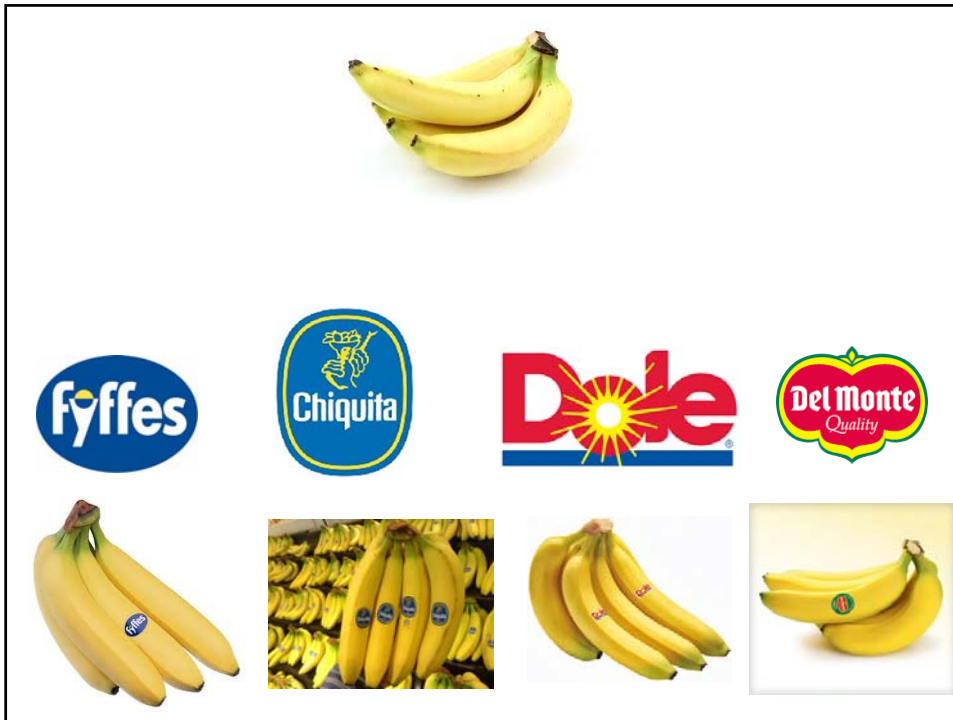
# 1. TRADEMARKS

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## Definition

- Sign capable of **distinguishing** the goods or services of one undertaking from those of other undertakings

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## Scope of protection

- Exclusive right
  
- Right to prevent unauthorized use:
  - Identical / similar sign
  - Identical / similar goods or services
  - Likelihood of confusion

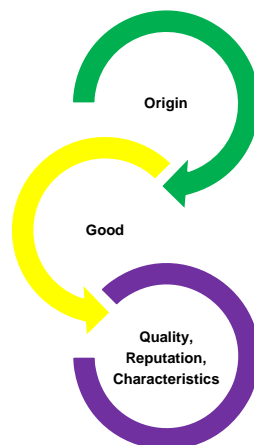
## 2. GEOGRAPHICAL INDICATIONS



## Definition

- Indications which **identify a good** as originating in the territory of a country/region/locality, where a given **quality, reputation or other characteristic** of the good is essentially attributable to its **geographical origin**

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**(900) BANANO DE COSTA RICA**

Number 900  
 Date 2011-09-01 00:00:00  
 Holder Corporación Bananera Nacional Corbana, S.A., Zapote, Frente a Casa Presidencial, San José (Costa Rica)  
 Appellation **BANANO DE COSTA RICA**  
 Translation (PT) Bananas da Costa Rica  
 (IT) Banane dalla Costa Rica  
 (DE) Bananen aus Costa Rica  
 (FR) Bananes du Costa Rica  
 (EN) Bananas of Costa Rica  
 Publication N° 40 - 01/2012  
 Country of Origin **CR**  
 Nice Classification 31  
 Product Banane  
 Area of Production The Entire Territory of the Republic of Costa Rica  
 Grant of Protection 35 - 10.10.2011  
 Legal basis Law on Trademarks and Other Distinctive Signs, No.: 7978, of January 6, 2000; Regulation of the Provisions Concerning Geographical Indications and Appellations of Origin, included in the Law on Trademarks and Other Distinctive Signs; Law No.: 7978 of January 6, 2000. Executive Decree No.: 33743-COMEX-J, of March 14, 2007; Industrial Property Registry, National Registry of Costa Rica, recorded on August 3, 2010, as per Registry No.: 202307  
 Notification Article 5(2): No longer applicable  
 Notification Article 14: Currently not applicable



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**Examples: agricultural products**



Maiz Blanco Gigante Cusco



KHAO SANGYOD MUANG PHATTHALUNG

ข้าวสังข์หยดเมืองพัทลุง



Kopi Arabika Gayo



JINXIANG DA SUAN  
 金乡大蒜



Idaho potatoes

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## Examples: other products



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Variety denomination

Geographical indication  
(Appellation of Origin)



HOME ► PVP DATA & STATISTICS

PLUTO: Plant Variety Database

MORELOS A-92  
MORELOS A-98  
MORELOS A-2010

ARROZ DEL ESTADO DE MORELOS

## Example: PENJA Pepper - Cameroon



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## Example : PENJA pepper

### ■ VIDEO



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## Scope of protection

- Collective right
- Right to prevent unauthorized use (2 levels)
  - For all goods
  - Wines and spirits

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## Conclusion

- Variety denomination # TM and GIs
- TM and GIs: differentiate / distinguish goods
- TM and GIs: exclusive rights

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