



The Role of Trademarks and GIs

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WIPO



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INFORMATION ASYMMETRY*

A situation in which one party in a transaction (for ex- the seller) has more or superior information than another (for ex. the buyer).

Akerlof

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« There is a huge element of trust and a leap of faith in virtually every purchase we make, which is why we are so desperate to find, **and pay a premium for**, any signals of reassurance. »

Sutherland

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SIGNALS



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What is a geographical indication?

An indication

Colombia

Champagne

FLORIDA

Rooibos

Argan

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What is a geographical indication?

identifying a good



Colombia **coffee**



Florida oranges



Champagne sparkling wine



Rooibos tea



Argan oil

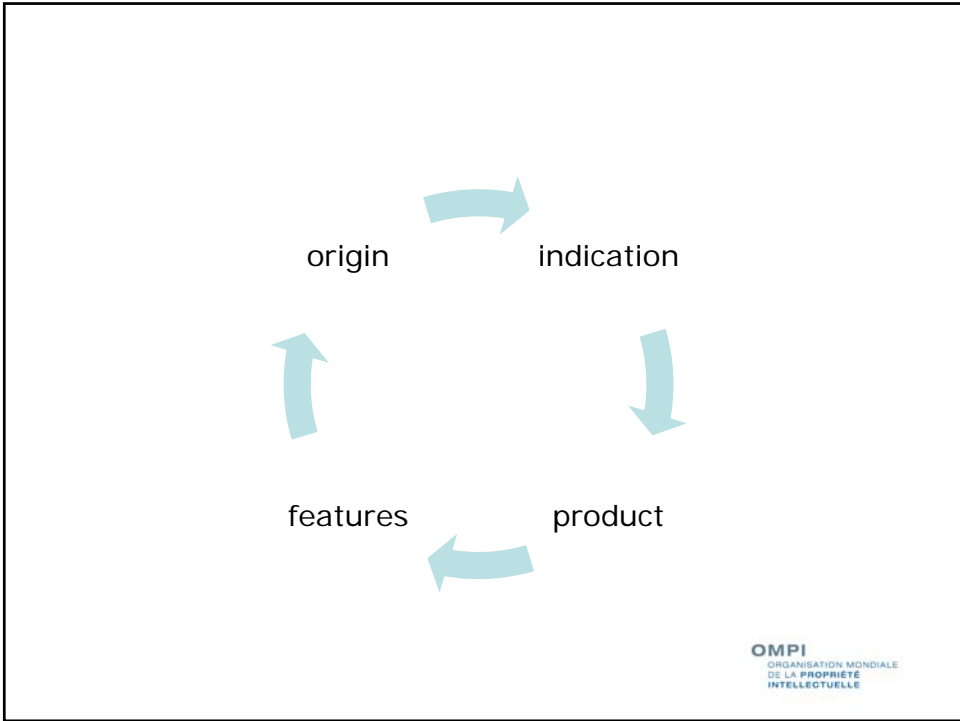
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What is a geographical indication?

where a given *quality, reputation or other characteristic* of the good is *essentially attributable* to its *geographical origin*



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GIs for what products?

Agricultural products



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Why GIs?

Differentiate a product in a competitive market



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DARJEELING

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Why GIs?

Rural development potential

- Participation of local actors
- Reproduction of the social system
- Employment and level of income

(Sylvander, 2004)

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How to protect GIs

Collective mark

- Holder: association of producers
- Holder may use the mark
- Control by association

Certification mark

- Holder: independent entity
- Holder cannot use the mark
- Control by independent entity

Regulations of use

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How to protect GIs

- *Sui generis* systems



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GIs: some challenges

Work together

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GIs: some challenges

Maintain uniform quality

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GIs: some challenges

Develop a fair GI-scheme

Equitable regulation of collective use

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GIs: some challenges

Costs

- Traceability and certification systems
- Marketing and promotion
- Distribution (particularly commodities)
- Legal protection

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Collective or certification marks not based on geographical origin



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Conclusion

Differentiation!

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