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Disparities in recognizing GIs: causes, consequences, possible evolutions

Champredonde M, Casabianca F.

Abstract –. Geographical Indications (GI) are labels indicating that a product possesses "a" specificity linked to the area of origin. However, the implementation of the GI does not offer full guarantees in this regard. We find strong differences in the criteria used worldwide for the GI recognition. To explain these disparities, we propose to consider three sources of drifts: technical, political and commercial. We assume that indications of source (a relation to the territory without any specificity) should be clearly differentiate from indications of origin (the place associated to specificity) recognized by GI. This would contribute to achieving a more objective and reliable system, in view of its perpetuation.

Keywords – criteria, origin, source

INTRODUCTION

Geographical Indications (GI) are labels that indicate that a product possesses "a" specificity linked to the territory of origin, the official definition talking about "quality, characteristics or reputation". This objective and symbolic specificity is built locally in the course of history. Such specificity should be identifiable and correspond to what the local society assumes as its own. The criteria on which the recognition of the GI is based should be stable, shared and known by the different countries.

However, the implementation of GIs does not offer full guarantees in this regard. The findings of ambiguities in the regulations and, above all, in their interpretations (Barjolle and Sylvander, 2000), entail a great diversity of qualities communicated under the large umbrella of the GI, with the risk of misleading.

In fact, there are strong differences in the criteria used worldwide for the recognition of GIs. Therefore, GI product are not always true origin products.

To what extent can a rating system be considered reliable if it does not always present equivalence, neither conceptual nor practical (Casabianca et al, 2011), between countries? How appropriate is a global system that benefits countries with a lower level of requirements to recognize GI? What are these drifts in the recognition process due to?

From our experience as researchers, members of recognition systems bodies and partners in processes of construction of applications, mainly in Europe and Latin America (Champredonde et al.,

2013), we analyze three sources (technical, political and commercial) of these drifts.

MAIN FINDINGS

At a technical level, one cause is the ambiguities that come from the regulations themselves, especially under the PGI (but not only). One of the main difficulties is the consideration of reputation as a sufficient element to support a differentiation through PGI. In other cases, it is due to the consideration (or not) of human factors (such as know-how) as essential. Diverse interpretations of these elements explain, in part, the range of GI products that present a low degree of specificity with a weak link with their territory.

At the political and institutional level, the drifts come from different sources: the presence of officials with little specific technical training in the GI (Champredonde M., 2014), mechanisms of institutional organization for monitoring and control (Penker et al, 2022), undemanding regarding the technical bases of the GI, the pressures that can be exerted for a product to be recognized through GI, although there are no technical bases that justify it and the combination of several of them. Independence and absence of conflict of interest is required (but not always ensured) between the GI recognition bodies and the political power. In other cases, the health standards, poorly adapted to artisanal productions, marginalize local products in their more typical version.

At the commercial level, market-oriented strategies can also lead to select only the products (and then process, genetics and practice) adapted to the wishes of certain market niches outside of the area of origin. It can lead to the marginalization of typical systems and products and on the other hand to loss of specificity.

A summary of these factors is presented in Table 1.

Table N° 1: Sources of Drift

Technical	Polítical and Institutional	Commercial
Reputation as a sufficient element to support a differentiation through PGI.	Structures with little demand for technical analysis (Spain, or Austria, Costa Rica, Chile).	Selection of processes and products according to market criteria.
Territorial Anchorage (only symbolic quality) vs Territorial Typicity) (Champredonde	Recognition of a GI product with a national area (ex. Feta in Greece, Café de Costa Rica)	Domination of a short-term vision where GI is reduced as a fashion.

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New products with superior commercial quality (Kiwi del SEB).	Influence of political actors on technical decisions.	Loss of specificities in the production and product processes.
The technical proof is enough (Cerdan et al. 2011).	Inclusion of IPs within Qualified GIs (Brazil)	
Industrial techniques (silage, milk pasteurization, cosmopolitan breeds) accepted while other GI products prohibit them.	Sanitary and commercial regulations little adapted to "handmade" products. Counter-selection of local systems and products	Marginalization of local systems and products based on local markets or short chains (Champredonde, 2014).

CONSEQUENCES

The presence of products that communicate GI without having the technical bases generates unbalanced constraints first among the producers, some of them less demanding for local resources or local practices while the others are choosing elements for ensuring a true place-based product. Such disparities are inducing great differences in cost of production or inclusion of new technologies, margins and incomes as well.

This situation also generates inequities at the commercial level. The local society may reject the GI product, as out of the shared vision of it should be. Such disconnection between local connoisseurs and the GI system places the GI product outside of the local heritage and gastronomy. Moreover, these inequities can generate unfair competition in the national market, in the exchanges between countries and be the origin of asymmetries in the commercial rights between commercial blocs.

We could identify several levels of unfair competition: i) Coexistence in a given country of GI products with contrasted situations (for example, in France, Cantal and Comté cheese share the same sign, in Argentine Salame de Tandil and Salame de Caroya) ii) Competition between countries: Countries with a large number of products benefit from the GI policy including products with low legitimacy. iii) Asymmetries between continents: Europe presents a large number of recognized products compared to continents such as America, Asia or Africa.

As a major consequence, the credibility of the GIs is finally affected: the less legitimate products are providing evidence that the sign is not trustable, even for the true place-based product.

CONCLUSION AND PERSPECTIVES

From our perspective, these drifts weaken the system, reduces credibility and induces negative effects at the territorial level. Moreover, such disparities, even discrepancies, contribute to a great confusion at customer level, as the different signs are not clearly associated to different types of link to

territories. Faced with these drifts, our reflection aims at proposing possible ways of reorganization, in which situations that do not respond to the requirements of the GI are redirected to other devices such as territorial brands identifying just a local anchorage (and not place-based products) or recent productions in the territory that have high commercial quality.

In particular, we assume that indications of source (a relation to the territory without any specificity) should be clearly differentiate from indications of origin (the place associated to specificity) recognized by GI. Therefore, the protection of names would be reserved to the GI, the indication of source being assessed by traceability but not mixed with origin. In any case, new debates could take place around the exclusive use of the name, beyond the ordering of recognized and recognizable products with GI. This would contribute to achieving a more objective and reliable system, in view of its perpetuation.

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