

# Where They're Calling From: GIs and the Road Ahead



Asian nations are actively expanding their list of GIs and see some of their most valuable goods protected through a myriad of national trademark laws and free trade agreements. **Michelle Ko** reports on protection efforts for tea, apples, rice, pepper and more.

**T**ake a sip of Scotch and let that Roquefort cheese melt in your mouth. Maybe the two are not the best match – it would also depend on how smoky your Scotch is – but they are two of the most famous examples of geographical indicators (GI).

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**In China, local government agencies encourage regional producers and their groups or institutions to set up and develop GI schemes for the purpose of strengthening local economies.**

*- Li Yuncheng, attorney,  
CCPIT Patent and Trademark Law Office, Beijing*

GI identifies a good as originating from a particular region where the good's qualities, characteristics and/or reputation are essentially attributable to its geographical origin. The premise of GI lies with the assumption that the geographical location produces qualities that cannot be replicated anywhere else, making it different from trademark which distinguishes qualities of one enterprise from another, or the sole consideration of uniqueness of process, traditional knowledge or traditional cultural expressions. As highlighted in the European Court of Justice press release on the registration of Feta cheese, a GI lies at the intersection of "the natural factors and the specific human factors" such as traditional production method.

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Currently, the majority of registered GI originates in Europe and is mostly wines and spirits followed by cheeses

for Malaysia in making better use of GIs is that because GIs are collective IP rights, they generally belong to a group of regional

and a lack of awareness on IP rights," says Abraham.

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- Hemant Singh, managing partner,  
INTTL Advocare, New Delhi

producers. This has the effect that regional producers may tend to rely on government initiatives to boost the protection of GIs because these regional producers may have limited resources

Hemant Singh, managing partner of Inttl Advocare in New Delhi, suggests that while technologies like global supply chain tracking using radio frequency identification (RFID) can help GI producers, grass roots initiatives like soliciting consumer monitoring through social media campaigns can also strengthen GI protection. On the other hand, legislation can be appropriated to channel rewards and longer-term incentives to the producers.

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"The law must be amended to align with international developments as well as ground realities. It should include a well-defined and comprehensive benefit-sharing model so that actual producers are profited, not only via monetary compensation, but also with other benefits such as capacity-building initiatives, infrastructural development and community development. The need

of the hour is a multi-tiered approach to protection of GIs," Singh says. AIP

