Case presentations:
Rooibos

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SOUTH AFRICA & GI

- It started with Champagne, Port & Sherry

THE E.U. NAME POLICE
TO THE BARICADES!!

- "Rooibos" Trademark – USA in 1994
  - Forever Young – SA Company
  - Cede rights to Burke Intl. – US Company
- Rooibos Ltd filed cancellation proceedings
- Burke Intl. “generous”
  - SA Companies could pay royalties
  - Burke less than 1 ton
- Since settled out of court
  - Considerable help from “Coffee houses”
  - R6 Million (€700 000)
ALL IS QUIT ON THE FRONT (FOR THE MOMENT)

- We can lose our heritage!!
  - Awareness of potential danger
  - Serious quest for solutions
  - Not even South Africans can be trusted!!

- Establishment of the “Rooibos Council”
  - Not perfect, but it is a start
  - Trust??
THE PRODUCT

- Rooibos is indigenous plant
- Part of the “Fynbos” & Cape floral kingdom
  - 9,087 plant species
  - Of which 6,218 is endemic
  - 1,300 species/10,000 km²
  - Brazilian rainforest = 420
- Products used by the San & first settlers
  - Traditional knowledge embedded in the product
  - “Dual” South African Heritage
THE AREA
THE PLANT
THE TEACOURT
THE PRODUCT
THE PEOPLE

- 350 Farmers
  - Commercial (98%)
  - Resource poor – co-operatives (2%)
    - Main income source
    - Heiveld
    - Wupperthal
    - 40 odd independants
- Production
  - 10 400 t
THE MARKET

- 8 Large processors
  - Rooibos Ltd – 75% market share
  - But,
    - €1,9/kg (Rooibos Ltd)
    - €3,0 (Wupperthal)

- Markets
  - Domestic 4000 t
  - Export 6 400 t
    - Europe
      - Recognised as South African product
  - Boom in the export market
  - Health attributes
  - Niche-market segmentation (fair trade, organic, wild harvest)
  - Not only tea
ISSUES

- IP associated with “Rooibos”
  - Trademarks
  - Regional quality aspects
  - GI as Rural development opportunity
- Substitutes / blends & denaturation
- Empowerment
  - Land Reform
- Trust & representativity
  - Heterogeneity
- Production standards
- Tourism
- Potential production in a different country?
ISSUES: SA LEGAL SYSTEM

- Only piecemeal laws
  - Minimum protection under TRIPS
  - Fragmented
    - Liquor Products Act 60 of 1989
    - Trade Marks Act 194 of 1993 (GI as collective mark or certification mark)
    - Consumer protection & unfair competition laws
- No GI registered nationally
  - Except wines
- Movement to consider specific institutional GI System
  - Research
  - Policy
  - Linked
INTEREST FOR SINER-GI

- No GI in South Africa
  - Rooibos has the history and “momentum”
  - Link between research and policy processes
- Equity in Agriculture
  - Heterogeneity between stakeholders
  - Resource not adequately shared
  - AgriBEE
  - Wider social responsibility
  - Fair Trade as social dynamic & GI link
- Territorial dynamics
  - Quality
  - Tourism routes
- Niche market segmentation
- Biodiversity
  - Wild harvesting
  - New cultivation areas