



# SINER-GI

**Meeting Montpellier 6-7 September 2006**

**Main findings of WP1**

**Legal and Institutional Issues related to GIs**



# WP1 objectives (1)

- Characterisation of the **different legal and institutional frames** related to GIs, taking combinations between administrative scales into account
  - What are the legal concepts applying to GIs in different countries?
  - What are the institutions involved in the legal protection of GIs?
  - How do the system works, how much does the protection cost?

## WP1 objectives (2)

- Identification of **methods of analysis** aimed at assessing the **effectiveness** and **effects** of different types and levels of legal protection (both in national and international scopes), in relation with different institutional frames
  - How the protection to GIs applies in different cases of usurpation?
  - Do the available means of protection for GIs have effects on the interest of producers for a legal recognition?
  - Are there problems for some kinds of products to benefit from the available legal frame for the protection of GIs?

## WP1 objectives (3)

- Provide a database of information on GIs legal and institutional aspects
  
- Provide the other WPs with clear tools of analysis and workable categories

# WP1 checklists

Europe: 15

Africa: 3

Asia: 8

America: 4



## Difficulties in covering a large number of non European countries

# WP1 difficulties with the basic material

- **Quality**

- Lack of information in many CL
- Contradictions, inconsistencies...
- information only on a part of a national context

- **Reviewing**

- Different issues would usually have required contributions from different people: legal issues, supply-chain, controls, consumers issues...

- **Implementation**

- In many CL, information only in formal aspects, no information on concrete implementation

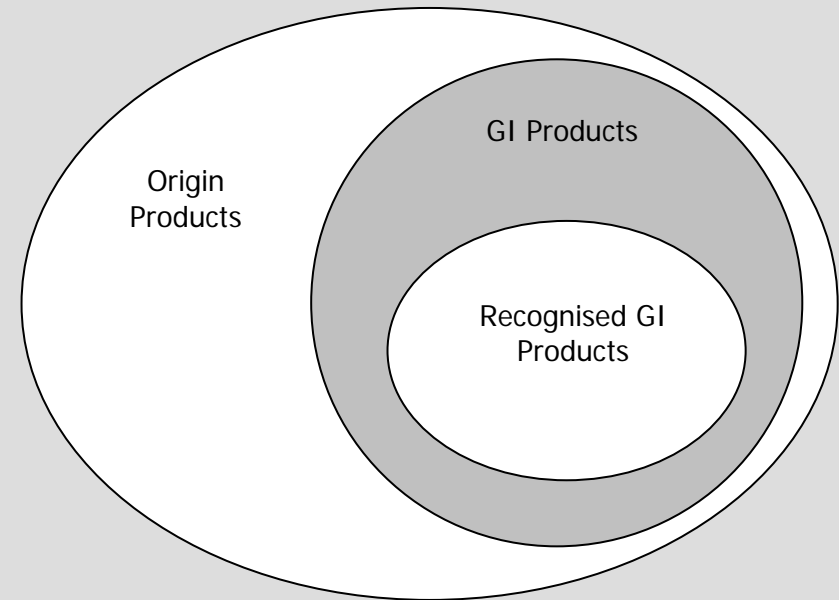
# WP1 main findings (1)

- **Definitions**

- Origin Products
- GI Products
- Recognised GI Products

- **Research objects**

- Products
- Intellectual Property Rights
- Frames of legal protection
- Public policies related to GIs
- Legal and institutional frames related to GIs
- **Effects of the protection of GIs**



## WP1 main findings (2)

- **Different levels of protection**
  - according to the definition of GI
  - according to the territorial effect
  - according to the content of registers and agreements
- **Different tools of protection**
  - different definitions
  - different institutions in charge of the protection
  - Relations with public policies

## WP1 main findings (3)

- **Effects and effectiveness of legal protection**
  - conflicts of different natures
  - no assessment of the relation between a legal tool and effects
  - Lack of assessment of the effects (with necessity of taking all related public policies into account)

## WP1 main findings (4)

- **Evaluation and typology**

- chronological perspectives which must be considered
- Evaluation: on a case? On GIs in general? On the national frame?
- Evaluation and typology of national frames: through ideal-types
- Evaluation and typology of each GI: through marks with 5 criteria

# WP1 evaluation and typology GI Frames

International frames

International position

Bilateral frames

Specific legal means of protection

Public policy

Generics

Recognition

Requirements on GIs

Registration authority

Control

# WP1 evaluation and typology

## GI Products

1. Requirements on quality (methods of production, organoleptic characteristics...)
2. Involvement of public authorities (registration, administrative support, management...)
3. Control/certification (auto-control, control by public authorities, certification...)
4. Organisational strength (legal recognition of interprofessional body, promotion...)
5. Effectiveness of the protection (legal basis, support from authorities...)

# Needs for further researches

- concrete implementation of new legal tools of protection

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- administrative management issues

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- relations between the protection and the management of the supply-chain

comparison of the effects of different legal tools of protection