



The Multifaceted Role of the State in the Protection of Geographical Indications: A Worldwide Review

DELPHINE MARIE-VIVIEN and ESTELLE BIÉNABE*

UMR Innovation, CIRAD, Montpellier, France

MALICA Research Platform clo CIRAD, Hanoi, Viet Nam

Summary. — Geographical indications (GIs) serve to designate goods with a quality, characteristics, or reputation attributed to its geographical origin. They are increasingly protected in many countries of the South as a tool for economic, social, territorial, and ecological development. Implemented in the wake of the weakly prescriptive WTO Agreement on Trade-Related Intellectual Property Rights (TRIPs) of 1995, the choice of the institutional framework for protecting GIs nationally as well as associated public support infrastructure was left open. This led to divergences in overarching approaches and to GI institutionalization that differs remarkably across countries. Twenty years after TRIPs, the purpose of both this paper and of the special issue is to advance our understanding of the institutionalization of GIs, as an IPR, a quality standard, and a policy instrument in harnessing all of the expected benefits of GI protection.

Building upon the contributions to this special issue, we use an original multilevel governance framework to analyze all the multifaceted roles of the state, in different empirical situations worldwide. This reflects the experiences of countries that have only recently implemented GI protection, such as Brazil, Colombia, India, Indonesia, Vietnam, South Africa, Kenya, and West African countries, as well as of regions with a long history of GI protection, including the EU and the US.

Based on an analysis of the complexity and diversity of all state, we show that global harmonization is underway with a convergence toward a prominent role of the state in GI regulation, in particular for defining GI content, which is specific for GIs when compared to other IPRs or quality standards. We suggest that the intervention of the state is supported by a universal desire to guard against unfair exclusion, and to protect a common heritage.

© 2017 Elsevier Ltd. All rights reserved.

Key words — geographical indications, state, trade, exclusion, standard, Intellectual Property Right

1. INTRODUCTION: SOUTHERN COUNTRIES AND THE DEVELOPMENT OF GEOGRAPHICAL INDICATIONS

For centuries, place names have played a significant role in trade as a tool for competitive positioning and as a signal of the origin-based reputation of a product. Place names identify a wide range of products worldwide: food products including wines and liqueurs (e.g., Napa Valley, Champagne, Scotch Whiskey), fruits (e.g., Chios mandarins), cheese (e.g., Roquefort), tea (e.g., Darjeeling), coffee (e.g., Colombian coffee) or aromatic rice (e.g., Basmati) as well as non-food products such as handicrafts (e.g., Pashmina shawls from Kashmir, Murano glass). Growing concerns over fraud concerning origins and public health gave rise to a movement that began in Southern Europe at the end of the 19th century, to institutionalize the reputational link between a product and its origin by protecting a place name as an “appellation of origin” and later as a “geographical indication” (GI) (Allaire, Thevenod-Mottet, & Mottet, 2011). In 1994, GIs were introduced in the Trade Related Aspects of Intellectual Property Rights (TRIPs) Agreement of the World Trade Organization (WTO). With WTO comprising 160 members, TRIPs marked the international institutionalization of the concept, leading to the protection of possibly 9,000 to 10,000 GIs worldwide (O’Connor, 2007) beyond the European Union where in 2012, appellation of origin and GIs covered 1,181 agricultural products and foodstuffs, and 1,757 wines and spirits with a sales value of €54.3 billion.¹

TRIPs Agreement confers exclusive rights to any indication that identifies a good as originating in a particular place, where a given quality, reputation, or other characteristic of

the good is essentially attributable to its geographical origin.² The Agreement provides minimum protection against misleading practices or acts of unfair competition to GIs designating any product, and “absolute protection”, i.e., even without proof of confusion, to GIs designating wines and spirits.³ Being weakly prescriptive, the TRIPs Agreement left open the institutional framework and procedure for protecting GIs nationally as well as possible associated public support, leading to controversy and to GI institutionalization that differs remarkably across countries. As proposed by Niederle and Gelain (Niederle & Gelain, 2013) with reference to Hodgson (Hodgson, 2006), GI institutionalization in our article refers to the establishment of social rules that structure social interactions, “defining who has the right to participate in the market, what goods are part of transactions, how exchanges should unfold, and what the rights and obligations of each economic agent are”. It builds on the conception of institutions as prerequisites to the functioning of markets, with market institutions consisting in property rights, structures of governance, conceptions of control, or models of competition/cooperation, and rules of exchange and with the state being instrumental in setting and enforcing these institutions (Allaire, 2010; Fligstein, 1996). Differences in GI institutionalization are reflected in the broadly emphasized divide between Old World countries led by the European Union (EU), which follow a

* The authors would like to thank Denis Sautier, Gilles Allaire and Cerka Bramley for their very helpful contribution to the first version of the paper. The authors would also like to thank the anonymous reviewers for their helpful and constructive comments that greatly contributed to improving the final version of the paper..

prescriptive approach to GI protection embodied in a *sui generis* system, i.e., a system dedicated to protecting GIs, and New World countries led by the United States (US), whose approach is more permissive (Cortés Martin, 2004; Gangjee, 2007; Hughes, 2006; Le Goffic, 2009; Lorvellec, 1997). The divide is justified by different conceptions of the role of the state in institutionalizing GIs.

Indeed, even if TRIPS defines GIs as a specific Intellectual Property Right (IPR) in a specific section, GIs can be protected through trademarks, another IPR in the same category of distinctive signs, which are a self-regulated system of private law, whereas *sui generis* systems are based on stronger state intervention to tie the protection of the GI to a verified link between the product and its geographical origin.

The divergent views of GI institutionalization have their roots in different interpretations of the multifaceted nature of GIs. In the context of increasing globalization, deregulation of agricultural trade and growing demand for quality worldwide, the ability of GIs to differentiate products as origin-based quality standards is increasingly emphasized. The potential of origin-based branding for value addition is at the heart of the rationale behind GI development (Babcock, 2003). It is seen as a way to foster trade for the benefit of producers (Barham & Sylvander, 2011; Crespi & Marette, 2003; Rangnekar, 2004), while informing consumers about the geographical origin of a product and its specific attributes. However, points of view differ on whether the geographical origin constitutes *per se* “a given quality” of the good (Sylvander & Allaire, 2007), which is linked to different perceptions of the role of GIs as quality standards. GIs also convey the cultural identity of a place, being the result of the skills and know-how of local people in producing the good (Bérard & Marchenay, 2008; Gangjee, 2012a,b; Kamperman Sanders, 2010). Furthermore, the policy objectives embedded in using GIs as tools for development have become more multidimensional with recent GI institutionalization worldwide, progressively incorporating territorial and rural development objectives as well as biodiversity and traditional knowledge conservation (Sylvander et al., 2006). Drawing largely on the European experience, the potential of GIs to alleviate poverty, and help create employment, sustainable production systems and trade dynamism, and their ability to drive more inclusive economic development is increasingly stressed (Barham, 2003; Barjolle & Sylvander, 2002; Bowen & Zapata, 2009; Bramley & Bienabe, 2012; Coombe & Aylwin, 2010; Evans & Blakeney, 2006; Rangnekar, 2011). Indeed, the literature extensively refers to GIs as marketing tools accessible to resource-poor farmers and processors, with potential for increased or more secure incomes (Josling, 2006; Rangnekar, 2004; Raustiala & Munzer, 2007; Van de Kop & Sautier, 2004), for promoting socially and environmentally sustainable production practices (Vandecandelaere, Sautier, Belletti, & Marescotti, 2009), and for strengthening local dynamics and governance (Barham & Sylvander, 2011; Bowen, 2010a,b). These arguments have provided key drivers for the active national GI law making and implementation observed in the last decade in developing countries (Audier, 2008; Blakeney, 2012; Boisvert, 2005; Giovannucci, Josling, Kerr, O'Connor, & Yeung, 2009; O'Connor, 2004). GIs are receiving increasing support from a broad range of stakeholders, not only national states and international funding agencies, but also local territorial authorities, trade unions and NGOs with GI-related policy agendas. Therefore, given their potential ability to fulfill numerous public objectives, GIs are not only considered as an IPR but also as a policy instrument (Herrmann & Teuber, 2011; Ilbert & Petit, 2009).

Despite the increasing sophistication of national GI frameworks in developing countries and the variety of the associated development objectives, analyses have long been predominantly centered on the respective merits of the US versus EU approach, notably due to their implications for transatlantic trade (Addor & Grazioli, 2002; Evans & Blakeney, 2006; Goldberg, 2001; Josling, 2006). Countries like the US fear that GIs could be used as non-tariff trade barriers (Herrmann & Teuber, 2011), sometimes depicted as disguised protectionism, as GIs would confer an unjustified advantage to national products. This is currently embodied in the Transatlantic Trade and Investment Partnership negotiations in which GIs are at the heart of a clash. Despite being widely investigated, no internationally agreed upon solution has been found for international harmonization to date. In addition to the literature on GI protection at international level, other strands of the GI literature build on detailed studies of specific GI products at country level to assess the many facets of GIs. These include studies exploring coordination and cooperation mechanisms between stakeholders for the negotiation of GI specifications (Bowen, 2010; Dentoni, Menozzi, & Capelli, 2012; Mancini, 2013; Quiñones-Ruiz et al., 2016; Tregaer, Arfini, & Marescotti, 2007), and studies assessing the economic, social and environmental impacts of GIs, e.g., (Belletti, Marescotti, Sanz-Cañada, & Vakoufaris, 2015; Jena & Grote, 2012). They also include studies focused on consumer and market considerations, i.e., consumer acceptance and willingness to pay, e.g., (Bonnet & Simioni, 2001; Menapace & Moschini, 2012), hedonic price analyses, e.g., (Deselnicu, Costanigro, Souza-Monteiro, & McFadden, 2013), that are complemented by a theoretical literature on the efficiency of GIs as quality signals (Desquibet & Monier-Dilhan, 2014; Menapace & Moschini, 2012; Mérel & Sexton, 2012; Winfree & McCluskey, 2005). However, these different literatures do not provide adequate empirical and conceptual grounds to understand the variety and peculiarities of GI institutional dynamics at national level, especially in Southern countries.

The main purpose of the special issue—and of this introductory article in particular—is to advance our understanding of the institutionalization of GIs and therefore of the role of the state in harnessing GI potential as a tool for development. The insights from the special issue could help smooth international and domestic debates about GI governance, more than twenty years after the TRIPs Agreement and at a time when, to achieve all the expected benefits of GIs, their implementation needs to be properly understood in emerging and developing countries. More generally, the special issue aims to contribute to the wider debate on state-based trade regulation and development. To this end, the special issue combines a variety of disciplinary perspectives and both theoretical and empirical analyses.

Building upon the contributions of the different articles of the special issue to understand the role of the State in GIs, this introduction proposes by itself a detailed analysis of both the rationales behind state intervention and of its manifestation through a variety of means worldwide. To this end, it draws more specifically on an institutional economics and a law perspectives. We consider the state as a compulsory political organization with a centralized government that maintains the monopoly on violence within a given territory and includes a broad range of administrative institutions in the legislative, executive, and judicial powers (Montesquieu, 1748; Weber, 1919). We approach the state in its different functions of elaboration, implementation, and sanctioning of rules and consider the variety of public authorities and instruments

through which it operates at different territorial levels, from local to international. Following Ostrom⁴ (Ostrom, 2005, 2009), we embed our understanding of the role of the state in an empirical analysis of the GI governance systems and propose an original multilevel GI governance framework. In Section 2 of this article, we first examine the different rationales behind state intervention by exploring the facets of GI institutionalization as an IPR, as a quality standard, and as a policy instrument. In Section 3, we examine empirical situations along the broad spectrum of GI institutionalization worldwide, from countries that only recently implemented GI protection, i.e., Brazil, Colombia, India, Indonesia, Vietnam, South Africa, Kenya, and in West African countries, to countries with a long history of established GI protection, the EU and the US. We review and compare all the roles of the state, from the definition to the enforcement of GIs, building upon empirical insights gathered in studies in this special issue, and on data collected as primary or secondary sources. In Section 4, we discuss the outcomes of this comparative approach of the roles of the state in the protection of GIs and show convergence toward more significant roles of the state in defining GI content than generally understood, with the roles of the state being specific to GIs compared to other IPRs and other quality standards. We suggest that prominent roles of the state are supported by a universal desire to guard against unfair exclusion from using the geographical name, and to protect a common heritage.

2. INSTITUTIONALIZATION OF GEOGRAPHICAL INDICATIONS: EXPLORING THE DIFFERENT RATIONALES FOR STATE INTERVENTION

(a) *Rationales for institutionalizing GIs as an IPR: navigating between a heritage based and a utilitarian doctrine*

Protection of geographical origin in Europe dates from medieval times, when “guilds” (community authorities) in several localities were granted monopolies by governments to regulate industries. These authorities exercised control over the circulation of products and the way in which new production and trade techniques and procedures could be introduced. For trade restriction reasons, these organizations were dismantled.⁵ However, the debate over legitimate monopolies reemerged in the 19th century together with the debate over the nature of intellectual property. For the “liberals” of this period, intellectual property was rooted in the “natural right” individuals had over their creations and inventions and did not have to be limited in time. In this conception, GI corresponds to a “natural right” producers have to control their own industries based on collective knowledge and locally grounded institutions. Conversely, for “utilitarians”, intellectual property arises from the law and embodies the public objective to encourage individuals to be creative for the benefit of society by granting exclusive rights for a limited time.

While most current IPR attributes originate in the utilitarian conception, i.e., individual creation and limits on the duration of the granted right, the principles and narratives that constitute GI doctrines have varied across periods and cultures (Hughes, 2006). Currently GI developments still balance between the two opposing rhetorical discourses as emblematically manifested by the *sui generis* versus trademark divide. The utilitarian conception argues for a state intervention restricted to the setting up of GI systems and sufficiently institutionalized through trademarks that confer exclusive rights to identified right holders. Threats to the collective reputation do

not justify external restrictions on producer and company behaviors, which in *sui generis* systems condition the access to the protection, i.e., restrictions in the GI product specifications on the production area and methods. Formalizing this doctrine, trademarks, be they certification or collective, are governed by rules of use determined by the trademark owner, without public intervention. In this utilitarian trademark perspective, the scope for protection is weak, with no prohibition on GI becoming generic, i.e., free for use for products from any place of origin,⁶ and no prohibition on the descriptive use of GIs by third parties as long as there is no confusion among consumers (Evans, 2013; Gangjee, 2007). The utilitarian doctrine underlies the conception of IPRs, as “*neutral rights as they do not care about quality nor protection of the consumers, but rather aim only at encouraging people to invent, create, trade and nothing else*” as stressed by Hermitte (2001), this doctrine also being neutral vis-à-vis the cultural embeddedness of GI products.

Conversely GI *sui generis* systems are largely based on an heritage conception that builds on the “natural right” of the liberals. The rationale is protecting the collective asset represented by a product reputation embedded in and derived from a localized cultural heritage, hence a right that is unlimited in time provided the conditions that justify the reputation are upheld (Addor & Grazioli, 2002; Bérard & Marchenay, 2004). In contrast to trademark systems, GIs in *sui generis* systems are protected against any use or any evocation, even if it does not cause consumer confusion,⁷ and can never become generic (Audier, 2003). This high level of protection granted rewards compliance with the two pillars of *sui generis* legal frameworks: a product specification demonstrating the link with origin, and efficient control procedures (Barjolle & Sylvander, 2002), both implying state intervention. Compliance with these conditions is rewarded by the high level of protection granted. Although the heritage conception has its roots in old liberal thinking, it transformed into significant public support for GIs as public goods that are part of the common heritage. According to Joseph Capus (Capus, 1947), who designed the French system of “*appellation d’origine contrôlée*”, the most famous appellations are both local and part of the national glory (Allaire, 2011). GIs in Southern countries such as Basmati, Tequila, or Rooibos belong to this category of national stars (Bowen & Zapata, 2009; Bramley, Biénabe, & Kirsten, 2009; Das, 2006), and some states are increasingly supportive of the social and cultural potential of GIs to protect heritage-based reputation as argued by Biénabe and Marie-Vivien in this special issue. Interestingly, leading strategies used by large companies that control well-known GIs such as Champagne, Cognac or Scotch whisky, combine individual company reputation with the safeguard of the local collective asset through consortiums, regulatory councils or marketing boards. Furthermore, producers’ groups are also gaining support from development projects to valorize local cultural heritage (Gangjee, 2012).

(b) *Other rationales for institutionalizing GIs: navigating between a quality standard and a policy instrument*

Worldwide interest in GIs is being spurred by a shift in the food market toward quality differentiation and certification, standards being at the heart of the proliferation of differentiation strategies (Henson & Humphrey, 2012). GIs are competing with or complementing many different quality standards to cover different sets of social concerns, and increasingly appear as one quality standard among others. However, in contrast to other standards, GIs are regulated by an international

agreement, the TRIPs Agreement, which sets out the basic principles to protect them as a specific IPR. Yet, TRIPs determines no substantive content regarding the definition of the link with the origin, and therefore GI qualification as an origin-based quality standard. The link to the origin is established at product level through the definition of specifications (for *sui generis* systems) or rules of use (for trademarks) describing the characteristics of the product, the method of production and the geographical area. As can be seen in the contributions of Barjolle et al. and Biénabe and Marie-Vivien in this special issue, concerns for positioning origin-based quality products such as Kenyan coffees or Basmati in international trade often resulted in first enacting public quality standards long before GIs.

Proximity with quality standards also results from the certification process, with the principle of third party certification being increasingly implemented in the area of GIs, as discussed by Marie-Vivien et al. in this special issue. Certification is usually accompanied by the use of a logo (organic agriculture, fair trade, ecolabels, etc.), which is now critical for GIs, given the increasing creation and mandatory use in many countries of a GI national logo to identify certified GI products as a standard among other standards. This contrasts with the rationale of a GI as an IPR, which is to protect the geographical name recognized as such by consumers, because it is reputed, without the need for any additional certification system and logo. While control of compliance with the specification is a pillar of the GI system as is true of other standards, GI specifications are tailored with local stakeholders whose local know-how and resources confer the reputation. Producers are joining as standard makers and not only as standard takers.

Finally, GIs are progressively addressing more social considerations, as reflected in the rapidly growing literature linking local food systems and GI to social vibrancy, improved environmental sustainability, and healthier food as well as in different social dynamics worldwide aimed at harnessing the multidimensional character of GIs and their potential as tools for sustainable development. As shown by Belletti et al. in this special issue, GI production systems that effectively valorize GIs both reproduce a collective reputation and deliver different public profiles, their success depending on local development strategies and appropriate public policies. Acknowledging the various public objectives of GIs leads to a clear rejection of the perception of GIs as a “neutral” standard to solve information failures and instead to considering them as quality standards associated with public policies.

3. INVESTIGATING THE DIVERSE ROLES OF THE STATE

As evident from Section 2, different conceptions of GIs find their expression in different state intervention at various levels: in GI product specifications, in the narratives that support the diffusion of GIs and in the public devices. In this section we use an original multilevel governance framework to examine, from an empirical perspective, the subtle and multifaceted roles of the state in actually developing GIs. We build upon the wide range of empirical analyses presented in this issue as well as other evidence. As discussed by (Allaire & Biénabe, 2013) drawing on E. Ostrom’s common property regime, GI regulation as a collective asset implies a multi-level governance scheme (see also (Quinones-Ruiz, Penker, Vogl, & Samper-Gartner, 2015)). Three levels of GI governance are generally considered: (1) the international level, i.e., the international legal obligations and political

commitments attached to the protection of GIs, hereafter referred to as meta-rules; (2) the national level, i.e., the national legal framework for the protection of GIs, referred to as macro-rules; and (3) the local product level, i.e., the GI specification, referred to as micro-rules. To better investigate state intervention in its diversity, from the state minimum role of providing GI protection to including various public policy considerations, we introduce an original fourth level of governance, the subnational level, referred to as meso-rules, which connect the national and the local product levels.

(a) *International GI protection*

The meta-rules established in the TRIPS Agreement constitute the overarching level of governance that addresses the outcomes to be achieved by national regulatory frameworks in implementing GI protection. As the TRIPS agreement had to accommodate widely divergent doctrinal views and existing national systems, it provides no more than a broad definition of GI and a minimum scope for protection. All WTO members shall implement the TRIPs Agreement, but for states supporting strong GI protection and thus implementing *sui generis* GI systems, international intervention goes beyond TRIPs to ensure foreign protection of their national GIs. These states are signatories of the Lisbon agreement (Thévenod-Mottet & Marie-Vivien, 2011), which functions as an international registry of appellations of origin (including GIs in the future according to the Geneva Act of 2015), to be automatically protected in all signatory countries except in cases of opposition (Geuze, 2016). Some states also participate in supranational arrangements such as the European Union (Sylvander, Lagrange, & Monticelli, 2007) or the OAPI (African Intellectual Property Organization) in West and Central Africa (Edou, 2008; Musungu, 2008). Chabrol et al. in this issue judge OAPI to be highly original in this respect. Indeed, being governed by a sole law, the Bangui Agreement and its annexes, OAPI is the common Intellectual Property office of its member states which have no national protection systems, and registers IPRs that are valid in all member states. As argued by Chabrol et al. this system has major advantages. States are divested of certain responsibilities that are pooled in a common institution where specialized skills can accrue. Once the OAPI has granted a GI, it provides automatic, simultaneous protection in all 17 member countries. Lastly, the OAPI can drive initiatives, align national policies, and represent the entire zone in dealings with the EU or other large markets. Another important dynamics at international level regards increasing free-trade agreements negotiated and signed by states, that generally include a list of GIs provided by each party to be automatically protected (Covarrubia, 2011). The EU is particularly active in using this strategy to compensate for the weak international framework (Marie-Vivien & Thevenod-Mottet, 2015).

(b) *GI national framework*

National legal frameworks establish GIs as exclusive rights of use. Their great diversity worldwide reflects different socio-political profiles and choices among countries (O’Connor, 2004). Macro-rules established at this level first reflect the political choice between the two alternative regulatory approaches, i.e., permissive, generally embodied in the common trademark regime, versus prescriptive, as embodied in *sui generis* regimes.

Sui generis systems were originally developed in countries under Roman law (i.e., France, Italy, and Spain) and are

currently in force in the EU and in several Asian and Latin American countries (WIPO, 2007) including Vietnam, Indonesia, India, and Colombia, as illustrated in this special issue. The US, as analyzed by Le Goffic & Zappalaglio in this special issue, adopted the *sui generis* system of American viticultural areas for wines, and trademarks for other products. Trademarks are not only used in New World countries such as the United States, Canada, or South Africa but also in countries with limited capacity to build up *sui generis* GI systems such as Ethiopia or Kenya, as evidenced by Barjolle et al. in this issue. China is an example of the difficulties faced by countries in the choice of their macro-rule model. Conflicting influences from the US and the EU, but also China's own culture and history, led to the coexistence of trademarks managed by State Administration for Industries and Commerce (SAIC) and two *sui generis* models (Xiaobing & Kireeva, 2007; Zhao & Finlay, 2014), one under the quality authority (Administration of Quality Supervision, Inspection and Quarantine AQSIQ) and the other, the Ministry of Agriculture's own system to protect agricultural raw materials. The co-existence of several systems of protection, combined with the weakness of the mechanisms of implementation, led to conflict between trademark holders and GI producers.

Macro-rules also define the public authorities responsible for implementing GIs, which cover a wide variety of entities across countries (intellectual property agencies, sectorial agencies under the ministry of agriculture, etc.) depending on the conception and rationale behind GI establishment (IPR, quality standard and/or policy instrument). This is discussed by Chabrol et al. with reference to the debate on who should chair the GI national committee in West African countries, the Ministers of Agriculture or those in charge of intellectual property (generally the Ministers of Industry), who act as the OAPI's interlocutors in each country. The Brazilian case described by Wilkinson and Cerdan in this special issue illustrates the implications of such choices. The responsibility for GIs at ministerial level is divided between the Ministry of Agriculture (MAPA) and the Ministry of Industry and Commerce (INPI/MIDIC), thus creating conditions for overlapping spheres of influence. Furthermore, under MAPA, policies for GIs became separated from those directed at family farming served by a different ministry (Ministry of Agrarian Development). Finally, with institutions at federal and local levels having developed different agendas on GIs, the State of Santa Catarina, for example, created its own legislative structure. Other provincial states have also adopted policies for the promotion of GIs. The authors point out that this complex institutional framework hindered the development of coherent policies for promoting GI.

Macro-rules also determine the scope of protection conferred to GIs. First, this entails the category of products covered, with GIs in Europe being restricted to the agricultural sector whereas, in many countries such as India, handicrafts are included (Marie-Vivien, 2013, 2016). Second, protection against misuse is weaker in a trademark regime than in a *sui generis* one as illustrated by Barjolle et al. in this issue with the case of Kenyan coffee, where only the indication Coffee Kenya, So Rich So Kenya is protected, and only against uses that mislead consumers.

(c) *Subnational or meso-level*

Meso-rules define the interface between the state and private stakeholders. They deal with issues such as: who promotes GIs? Who is entitled to file an application? How is the application examined (substantively and formally) and by whom?

Who is responsible for control? Who is entitled to file law suits against counterfeiting and misuses? These rules may be due to the application of the macro legal framework or result from its practical implementation within a variety of public policies, as enlightened in this special issue.

(i) *GI inventory and promotion*

In some countries, the state plays an active role in identifying potential GIs (Barjolle & Vandecastelaere, 2012). In India, the GI registry conducted a nation-wide inventory of potential GI food and handicraft products (Soam, 2005); in Vietnam, the state funded a special program for registering GIs in all provinces (Trong_Vu & Dao_Duc, 2006); in West Africa, OAPI identified five GI products to be registered (Chabrol et al. in this issue); and in Brazil, the Institute of Intellectual Property proposed to support the registration of at least one GI in each federal state (Cerdan, Vitrolles, Mascarenhas, & Wilkinson, 2011). States sometimes also support the creation of producer organizations or the structuring of value chain associations, for example, in Indonesia, where GIs are a multidimensional instrument of rural development policies (see Durand and Fournier, in this issue). More generally, the state can also raise awareness about the GI system as a whole and promote GI products: the Indian GI registry organizes regular awareness-raising seminars;⁸ the government of Thailand actively promotes a "one village, one product" policy⁹ and has created a national logo for all GIs, as did the government of Cambodia (François & Prak, 2006); leaflets are distributed to explain the meaning of GI labeling to consumers for example in Serbia (Révion, Thevenod-Mottet, & El Benni, 2009).

Other actors may combine their action with that of the state in promoting GIs and may even play a key role in creating, if not explicit policy, at least common references, as argued by Wilkinson and Cerdan in this issue, based on the Brazilian case. In this country, GI promotion is efficiently supported by two types of networks. The first is an expert network based on academic and research cooperation between Brazil and France and the second, a mobilization network based largely on civil society organizations. The former was identified by Wilkinson and Cerdan as being instrumental in countering the inbuilt tendency of different federal and local institutions to develop their own agendas.

(ii) *GI specification definition by the applicant and examiner*

Defining GI specifications is at the core of GI implementation as a quality standard as it determines the quality attributes, and hence inclusion or exclusion from GI use. Several papers in this issue show that the state actively participates in the definition of specifications, being the applicant and/or the authority in charge of recognizing GIs, and being supported (or not) by experts, depending on the countries and systems.

First, laws vary widely across the world as to the nature of the applicant and the possibility for the state to file an application, which has major implications for the definition of GI specifications. Interestingly, in contrast to the EU where the application can only be filed by a group of operators (producers/processors), a number of countries in the global South allow for or provide for the state to be the applicant. In Vietnam, the state is the applicant and owner of the GI by law and the producers are only involved as a registered user. In this issue, Fournier and Durand conduct a joint analysis of the Vietnamese and Indonesian situations, and argue that a state's intervention in drafting GI specifications is driven by political will to modernize agriculture by replacing traditional

production methods with modern processes, such as in the GI Muntok White pepper, which benefited from full technical assistance from the GI Expert Team of the Central government. In Thailand, by law, a governmental administration, state organism, state enterprise, local administrative organization, or any other state organization having the status of a juristic person whose area of responsibility covers the geographical origin of the goods can apply for a GI.¹⁰ In India and the US, although GI law does not lay down that the state shall be the applicant, this is common practice (Bramley, Marie-Vivien, & Biénabe, 2013). In this issue, Le Goffic and Zappalaglio show how the US authorities, being the applicant in practice, play a crucial role in defining the specification of certification trademarks, as the state has done for the American viticultural areas, which are delimited by the Alcohol, Tobacco, Tax & Trade Bureau. Kenya, as illustrated by Barjolle in this special issue, is another such case, where a public body, the Coffee directorate, registered the certification trademark to protect Kenyan coffee. Direct state intervention in the definition of GIs is also observed in the framing of pilot learning projects in countries that recently moved toward introducing GIs such as in West and Central Africa, as described by Chabrol and al. in this issue. Discussing the EU situation in this issue, Gangjee shows that a much broader spectrum of actors than operator organizations come together on a case by case basis to draft GI specifications: the state, producers with commercial interests, experts and civil society organizations/NGOs. For example, in the UK, the Department of Environment, Food and Rural Affairs funded a private consultancy company (ADAS) to provide specific support to GI applicants during the application process with the aim of improving the quality of GI applications (Conneely & Mahon, 2015).

The state also intervenes in the definition of GI specifications during the process of examination of the GI application through the public authorities in charge of the registration of GIs. Indeed, as for any IPR, applications are examined by a public authority. However, the role of the state again varies notably depending on whether the GI trademark or *sui generis* regime is chosen. The substantive examination of the link between the quality or reputation of the product and the origin is at the core of *sui generis* GI regimes, with a view to addressing the public “nature” of GIs. For example, in the EU, the examination procedure is under the responsibility of the DG Agriculture of the EU Commission, which is unexpectedly similar to the US *sui generis* system for wines and spirits in which the public authority is in charge of approving the American viticultural areas as described by Le Goffic and Zappalaglio. In West African countries, as described by Chabrol et al. in this issue, the PAMPIG project trained government officials for the task of examination using a dedicated method, based on the conclusions of a research project and network on GI supported by the European Union.¹¹ The role of the state appears to be reaffirmed even in countries like France, which had developed an original scheme of mixed public and private regulation for defining GI specifications. As discussed by Marie-Vivien et al. in this issue, with the reform undertaken in 2006, France returned to a more conventional state-based approach. This reform marked a shift from almost self-management by a mixed public-private body, the National Institute of Appellation of Origin (INAO), composed of representatives of both public authorities and producers’ organizations to a separate distribution of roles, with private stakeholders no longer involved in the examination of GI specifications, a role now strictly reserved for public authorities, in this case, the

Ministry of Agriculture, who interact directly with the EU Commission.

Conversely, in countries where GIs are protected through a trademark regime, there is no substantial examination of the GI specification by the state. Trademarks comprising the same geographical name but distinguished by logos may therefore coexist, with no information on whether there is a certification scheme enforcing them and a qualitative link between the product and its origin. As an illustration, in the US, several trademarks coexist for Kona coffee or Idaho potatoes, which may lead to consumer confusion.¹² However, as shown by Le Goffic and Zappalaglio, this has encouraged state involvement in applying for and registering certification marks, as observed in the US, thereby in practice regulating the conditions of use of the certification marks and compensating for the absence of substantial examination.

(iii) *GI control and enforcement*

Many GI regimes, either trademark-based or *sui generis*, ensure product control before entry into the market. State intervention can consist of the control of producers through a competent public authority, the accreditation of private third-party certification bodies, the inspection and certification when the state is the certification trademark owner.

Strong or weak state intervention in control has an impact on producers who consequently bear (or not) the costs of certification, as discussed by Marie-Vivien et al. in this issue with regard to the French reform. Based on preliminary observations, in developing countries, a major issue concerns capacities to implement controls. In cases such as India, Vietnam or OAPI countries, there is currently no control at all, which contrasts with the strong state involvement in GI registration in these countries and is prejudicial to the credibility and hence, to the diffusion of GIs as a quality standard. One exception is the Colombian coffee GI where the very powerful and organized Federation of Coffee Producers managed to build up a third party control system, but still subsidized by the Federation, as described by Barjolle et al. in this issue.

Finally, like for any IPR, the state is also in charge of ensuring enforcement and sanctions against infringement and misuse. In the EU, in addition to the capacity of producer groups to file complaints, the state may at any time proceed with *ex officio* protection, including taking judicial steps to prevent or stop the unlawful use of GIs.¹³ State involvement in the defense against usurpation also applies at international level, the high cost of which often cannot be borne by producers alone. Under trademark regimes, as the owner is responsible for the enforcement of GIs, when the state owns the trademark, it is also in the first position to intervene. French authorities are well-known for assisting producers in fighting against usurpation with, for example, the worldwide watch for unlawful trademarks comprising GIs and the creation of an email address for producers to inform INAO of any frauds.¹⁴ Examples of state intervention can also be found in a number of other countries: in India the government supported the costs of defending Basmati rice and in Vietnam, the National office for intellectual property and the provincial government defended GI Buon Ma Thuot coffee. The Georgian State also assumed responsibility for enforcing GI rights both domestically and abroad through its Intellectual Property Office.¹⁵ However enforcement of GIs, though essential, is still weak in most developing and emerging countries as illustrated, for example in the case of China, described by (Zhao et al., 2014) who show that GI unenforceability by the local government is jeopardizing the quality of the Nanfeng Mandarin GI.

4. DISCUSSION

A major insight resulting from the detailed empirically grounded characterization of our proposed four levels of GI governance is the importance of considering not only statutory state intervention—i.e., as defined by law and regulated through macro rules—but also state action in practice, i.e., as a stakeholder in the implementation and facilitation of GIs. This is captured by our conceptualization of a meso level as a specific layer between the national and product levels. It is supported by Gangjee, who, in this issue, recommends shifting the focus of state involvement from the design of registration systems to the design of the individual product specifications.

(a) *Convergences in state intervention across countries in defining GI specifications and divergences regarding controls*

Building on the joint analysis of law and practice presented in Section 3, we compare in Table 1 state intervention based on the summary of who plays the key roles in implementing the two pillars of GI systems: defining and controlling GI specifications for the country cases discussed in detail in the different articles of this special issue.

Table 1 shows that state intervention in its various forms is much more complex than usually depicted. As featured in the table, the comparative analysis of the broad range of GI situations proposed in this article actually points to strong convergences across countries regarding the presence and level of state intervention at meso- and micro-rules levels, with the state intervening as applicant and/or as examiner in defining GI specifications. Notably, in trademark regimes, the frequently observed state involvement in applying for and registering certification compensates for the absence of examination of the rule of use of the trademark that defines the GI quality standard.

As also featured in the table, in most Southern countries, control and certification systems are not yet operational.

And, in countries with a control system, we observe a divergence between situations in which the state, being the owner of certification trademark, is directly in charge of control (inspection and certification), and *sui generis* systems in which the role of the state is increasingly relegated to the accreditation of private certification bodies in charge of inspection and certification after a period when the state was in charge of it. This divergence can be explained by the attraction of GIs in the sphere of voluntary quality standards, which are certified by third party private certification bodies (Bush, 2013; Djama, Fouilleux, & Vagneron, 2011; Hatanaka, Bain, & Busch, 2005).

(b) *What lies behind the convergences and divergences in state intervention: A look back at GIs as a multifaceted instrument*

Argued convergences between GI regimes across countries contrast with the current GI debate from both an international and academic point of view. Acknowledging and understanding observed convergences in more detail helps overcome the often sterile doctrinal tension on the legal means for GI protection entrenched in the utilitarian versus heritage divide. Supporting this are the very pragmatic arguments stressed recently in the literature by (Calboli, 2015) that the opposition between the EU and the US rests primarily on reasons linked to market access—that is, fear of a loss of market share and of the costs of relabeling U.S. products, more than doctrinal considerations such as the public nature of GIs. Such convergences are critical in all facets of GIs.

(i) *GIs as an IPR*

Interestingly, convergences in state intervention in defining the link with the origin appear to be a specific attribute of GIs that contrasts with other IPRs. All IPRs confer exclusive rights on an intellectual creation, but in contrast to GIs, there is no state inventory of potential patents or trademarks, the time of protection is limited (regular trademarks are usually

Table 1. *Worldwide analysis of the role of the State in defining and controlling the GI specifications*

	Defining the GI specification		Controlling the GI specification
	Applicant	Examiner (of link with origin)	Controller
EU <i>Sui generis</i>	Producers (law)	State-GI national authority (law) In combination with producers (in France where producers are members of GI national authority)	Private, accredited by the state-national accreditation body (law) Or inspection by state-competent control authority (law)
OAPI <i>Sui generis</i>	Producers (law, in practice supported by project)	State-GI national authority (law, in practice supported by project)	No control yet
India <i>Sui generis</i>	State-National/local authorities-agencies (practice)	State-GI national authority (law)	No control yet
Vietnam <i>Sui generis</i>	State-National/local authorities (law)	State-GI National authority (no examination in practice)	No control yet
Indonesia <i>Sui generis</i>	Producers (law)	State-National GI authority (law)	No control yet
Brazil <i>Sui generis</i>	Producers (law)	State-National GI authority (law)	
Colombia <i>Sui generis</i> (coffee)	Producers (law)	State-National GI authority (law)	Private, accredited by the state-national accreditation body (law)
South Africa Transition from TM law to <i>sui generis</i>	Producers (TM law) State <i>ad hoc</i> intervention in Rooibos case (practice)	No State GI national authority	No control yet
US TM law	State-local authorities (practice)	No examination by State-National GI authority (law)	Control by State-local authorities (practice)
Kenya TM law	State – Government agencies (practice for coffee)	No examination by State-National GI authority (law)	No control yet

protected for renewable period of 10 years, and patents for 20 years), there is no co-construction of the substantive content of the IPR by the state, and no *ex officio* protection against counterfeiting, etc. For other IPRs, state intervention is restricted and more in line with IPR general categorization as private rights institutionalized according to the utilitarian conception, based on the principle of “first in time, first in right”.

We argue that more state involvement in defining the rules governing GIs is by no means a coincidence. The institutionalization of GIs, by regulating the commercial use of names rooted in the cultural diversity of a country, identifies intangible cultural entities and helps protect them from increasing risk of dilution and misappropriation linked with the internationalization of culture. We further propose to link this peculiar state involvement to the fact that GIs consist of geographical names identifying territories under state control. While being supported by the heritage conception (see 2a above) and quality considerations, state involvement is driven by public concern about ensuring that all legitimate operators have the right to use these names, which relates to the need for institutional capacity to comprehend the link between a product and its geographical origin, as pointed out by Biénabe and Marie-Vivien in this special issue. The need to avoid illegitimate or unfair exclusion from the use of geographical names and to preserve common heritage, which are public goods, appear to be a universal driver behind this high level of state intervention, as stressed in different contributions to this special issue. This rationale transcends the opposition between the utilitarian and heritage doctrines.

(ii) *GI as a quality standard and policy instrument*

Deep state involvement is also linked to recognition of the high potential multidimensional character of GIs. Belletti et al. in this special issue identify the multiple ties of GIs with public goods and thereby discuss different justifications for proactive public policies. However, it is worth reaffirming that salient state intervention can only effectively support fulfillment of the different public objectives of GIs if there is proper recognition that sustaining their collective reputation depends on market development, as also argued by Belletti et al. in this special issue. These authors point to the need for new forms of alliances between producers and consumers to harness “publicness potentialities” of GIs.

Better addressing the balance between the state and private actors in GI implementation requires a better understanding of how GIs are socially constructed as quality standards, as discussed in particular by Barjolle et al. and by Biénabe and Marie-Vivien in this special issue. The main distinction between GIs and other quality standards resides in the GI specifications defined at product level. While state intervention in defining GI specifications is a salient fact, another important feature is that producers and processors join forces as standard makers and not only as standard takers. Hence, GIs are more prone to sustain and reproduce local specific assets. GIs thus have greater potential to empower producers than voluntary standards whose definition is generally governed by downstream buyers, a serious barrier to market access for primary producers (Grote, 2009; Humphrey, McCulloch, & Ota, 2004). However, currently, while in many countries, local producers’ or commodity-chain associations participate in the governance of the GI scheme, and hence in defining the relevant production area and the linkage of the product with the place, concerns exist in particular in Vietnam, where local authorities delimit administrative areas that do not match the reputed production zones, or in India, where

conflict may arise from the state being “both the judged and the judge” as discussed in the case of Basmati by Biénabe and Marie-Vivien in this issue. The Feni GI is another Indian example where the Goa government mainly aligned itself with large-scale processors with the complicity of the GI Registry (Rangnekar, 2011). Belletti et al. in this issue also emphasize the risk of local producers and processors getting trapped in administrative processes when applying approaches that are too top down. As (Belletti & Marescotti, 2011) put it, for GI success, “products are not a “starter”: the triggering factors are always the local actors.”

The move toward GI being institutionalized as a voluntary quality standard explains divergences in state intervention in control. Being a clear departure from the previous controls monitored by the state, the move toward certification by private third party, particularly in France as described by Marie-Vivien et al. in this issue, contrasts with the situation in the US with the state controlling GIs. In France, GIs and other quality standards such as organic agriculture are now managed by the same institution, INAO. This represents a significant move away from the original specific conception on which GI institutionalization was based, at least in Southern Europe, and which was closely linked to the heritage doctrine. While this shift toward private certification may increase the risk of exclusion, with the cost of the certification process now resting on producers, it may also reduce the risk of rents being captured by the state (Bowen, 2010; Hughes, 2009).

5. CONCLUSION

This special issue aims to enrich the thinking about the multifaceted roles of the state in GIs. It proposes a variety of research perspectives to respond to the need to build a new area of multidisciplinary research to advance our understanding of the variety of justifications and means of state intervention in the regulation of GIs, which currently represents a very dynamic field, and guarantee that the benefits of GIs will produce the development they target. The variety of perspectives and GI models across countries analyzed in the articles herein helps proposing a different view of the universal versus context specific considerations at country and product level that underlie state intervention. This special issue in particular paves the way for an enriched conception of state intervention in its diversity of means and over time for institutionalizing GIs as a tool for development.

In conclusion, the use of an original conceptual framework in this article deepens the understanding of GIs as a multilevel governance system and the capacity to analyze new GI models emerging from the global South as well as the substantial dynamics taking place in well-established GI models in Northern countries. It proposes a subtler identification of the diversity and complexity of what lies behind the state. The incorporation in the analysis of a new level in GI governance in particular, the meso-level, critically determines the capacity to understand the level and variety of state intervention: development of the legal system, protection of specific GIs, registration, inspection, protection abroad, diplomatic efforts to influence GI law in third countries, etc. Building upon our in-depth analysis of this multifaceted state intervention, we argue that GI systems worldwide converge toward a prominent role of the state, *de jure* or *de facto*, in defining GI specifications and the link with the origin. Though we do not underestimate the risk that illegitimate exclusion can arise from state action, this prominent role is supported by universal concerns both to guard against unfair exclusion from using

the product name in the course of trade and to protect a common heritage. We thus recommend a substantive examination procedure organized by the state combined with private stakeholders' drafting of the GI specifications based on their practices. This recommendation, which currently goes beyond observed convergences, is in line for example with proposals from researchers for amending US laws on certifications marks to ensure that all GI applications are required to obtain the authorization or approval of the appropriate local or state government(s) (OriGIn, 2010).

We should bear in mind that GI institutionalization is a recent phenomenon in Southern countries. It includes at the same time the establishment of national GI systems and the appearance of the first GI products. The sometimes too prominent role of the public authorities and state

agencies in filing GI applications currently observed, could be interpreted as transitional, i.e., as a step in a dynamic learning process. Concurrently, GI successes may be jeopardized by the weaknesses in their enforcement, and this holds true not only in states with weak regulatory capacity but, to varying degrees, in all legal and regulatory environments. Control and repression of frauds, in particular, have been identified as critical for the success of GIs worldwide; and it is still at risk in countries where the government has only recently introduced legal recognition and protection of GIs. Therefore, there is an urgent need to build capacity and skills in the diverse public authorities, and to reinforce emerging expertise and networks so as to ensure efficient state intervention in interaction with value chain stakeholders.

NOTES

1. http://ec.europa.eu/agriculture/external-studies/value-gi_en.htm.
2. See article 22.1 of TRIPs.
3. See article 22.2 and article 23 of TRIPs.
4. Governance systems according to Ostrom (2009), p.421 include government organizations, non-government organizations, network structure, operational rules, collective choice rules, constitutional rules, monitoring and sanctioning processes.
5. In France it was one important aspect of the suppression of privileges at the time of the French Revolution.
6. For example, Basmati was declared a generic name in the US, therefore freely available to designate rice from any origin.
7. For example, prohibition of the use of the name Champagne for perfume.
8. See: <http://ipindia.nic.in/girindia/>.
9. See: http://en.wikipedia.org/wiki/One_Tambon_One_Product.
10. Article 7 of the GI Law of Thailand.
11. Siner-GI Project, <http://www.origin-food.org/>.
12. See USPTO website: www.uspto.gov.
13. See art.13.3 of EU Regulation 1151/ 2012.
14. See Inao newsletter October 2013.
15. See: the presentation "Marketing and Protecting Geographical Indications of Georgia" by Ms. Ekaterine Egutia, Deputy Chairperson, National Intellectual Property Center (SAKPATENTI), Tbilisi, Georgia at WIPO Symposium on GIs, 27–29 March 2013, Bangkok.

REFERENCES

- Addor, F., & Grazioli, A. (2002). Geographical Indications beyond wines and spirits, a roadmap for a better protection for Geographical Indications in WTO/TRIPs Agreement. *The Journal of World Intellectual Property*, 5(6), 865–897.
- Allaire, G. (2010). Applying economic sociology to understand the meaning of 'quality' in food markets. *Agricultural Economics*, 41, 167–180.
- Allaire, G., & Biénabe, E. (2013). Quality regimes and property regimes: a framework for assessing geographical indications sustainability implications. In 10th ESEE conference: *Ecological Economics and Institutional Dynamics*, Lille, 18-21 June. .
- Allaire, G. (2011). La rhétorique du terroir. Le terroir dans tous ses états. In C. Delfosse (Ed.), *La mode du terroir et les produits alimentaires* (pp. 75–100). Paris: La boutique de l'histoire, éditeur, coll. mondes ruraux contemporains.
- Allaire, G., Thevenod-Mottet, E., & Mottet, E. (2011). Geographical origin: a complex feature of agro-food products. In E. Barham, & B. Sylvander (Eds.), *Labels of origin for food: Local development, global recognition*. CABI.
- Audier, J. (2003). Indications géographiques: le virus "générique". *Propriétés Intellectuelles*, 8, 252–260.
- Audier, J. (2008). Mondialisation et indications géographiques: Applications nationales de l'Accord ADPIC, Section 3 Indications géographiques. *Propriétés Intellectuelles*, 26.
- Babcock, B. (2003). Geographical indications, property rights, and value-added agriculture. *Iowa Ag Review*, 9(4).
- Barham, E. (2003). Translating terroir: The global challenge of French AOC labeling. *Journal of Rural Studies*, 19(1), 127–138.
- Barham, E., & Sylvander, B. (2011). *Labels of origin for food: local development, global recognition*. CABI.
- Barjolle, D., & Sylvander, B. (2002). Some factors of success for "origin labelled products" in Agro-food supply chains in Europe: Market, internal resources and institutions. *Économies et Sociétés*, 25(9–10), 1441.
- Barjolle, D., & Vandecastelaere, E. (2012). *Identification of origin-linked products and their potential for development. A methodology for participatory inventories*. Rome: FAO (AGN).
- Belletti, G., Marescotti, A., Sanz-Cañada, J., & Vakoufaris, H. (2015). Linking protection of geographical indications to the environment: Evidence from the European Union olive-oil sector. *Land Use Policy*, 48, 94–106.
- Belletti, G., & Marescotti, A. (2011). Origin products, geographical indications and rural development. In B. Sylvander, & E. Barham (Eds.), *Geographical Indications and globalisation in agro-food supply chains* (pp. 75–91). CABI.
- Bérard, L., & Marchenay, P. (2004). *Les produits de terroir, entre cultures et règlements*. Paris: CNRS Édition.
- Bérard, L., & Marchenay, P. (2008). *From localized products to geographical indications, awareness and action*. Bourg-en-Bresse: CNRS.
- Blakeney, M. (2012). *Extending the protection of geographical indications: Case studies of agricultural products in Africa*. Abingdon, Oxon, New York, Earthscan: Routledge.

- Boisvert, V. (2005). From the conservation of genetic diversity to the promotion of quality foodstuff: Can the French model of AOC be exported? Rome, CAPRI-IPGRI International Workshop on property rights, collective action and conservation of local genetic resources: 21.
- Bonnet, C., & Simioni, M. (2001). Assessing consumer response to protected designation of origin labelling: A mixed multinomial logit approach. *European Review of Agricultural Economics*, 28, 433–449.
- Bowen, S. (2010a). Development from within? The potential for geographical indications in the global south. *The Journal of World Intellectual Property*, 13(2), 231–252.
- Bowen, S. (2010b). Embedding local places in global spaces: Geographical indications as a territorial development strategy. *Rural Sociology*, 75(2), 209–243.
- Bowen, S., & Zapata, A. V. (2009). Geographical indications, terroir, and socioeconomic and ecological sustainability: The case of tequila. *Journal of Rural Studies*, 25(1), 108–119.
- Bramley, C., & Biénabe, E. (2012). Developments and considerations around geographical indications in the developing world. *Queen Mary Journal of Intellectual Property*, 2(1), 14–37.
- Bramley, C., Biénabe, E., & Kirsten, J. F. (2009). *An Economic Analysis of the Evolution in Intellectual Property Strategies in the South African Agricultural Sector: The Rooibos Industry. The Economics of Intellectual Property in South Africa* (pp. 56–84). Geneva: World Intellectual Property Organisation (WIPO).
- Bramley, C., Marie-Vivien, D., & Biénabe, E. (2013). Considerations in designing an appropriate legal framework for GIs in Southern countries. In C. Bramley, E. Biénabe, & J. Kirsten (Eds.), *Developing Geographical Indications in the South – The Southern African Experience* (pp. 15–50). Springer.
- Bush, L. (2013). *Standards: Recipes for reality*. MIT Press.
- Calboli, I. (2015). Time to Say Local Cheese and Smile at Geographical Indications of Origin – International Trade and Local Development in the United States. *53 Houston Law Review*, 373, 2015–2016.
- Capus, J. (1947). *La genèse des appellations d'origine contrôlées*. Paris: INAO, Louis Larmat éd..
- Cerdan, C., Vitrolles, D., Mascarenhas, G., & Wilkinson, J. (2011). La mise en politique des indications géographiques et du terroir au Brésil: principaux défis et perspectives. In C. Delfosse (Ed.), *La mode du terroir et les produits alimentaires* (pp. 323–346). Paris: Les Indes savantes.
- Conneely, R., & Mahon, M. (2015). Protected geographical indications: Institutional roles in food systems governance and rural development. *Geoforum*, 60, 14–21.
- Coombe, R., & Aylwin, N. (2010). Bordering diversity and desire: Using Intellectual Property to Mark Place-based Products' (2010). *Environment and Planning (New Borders of Consumption special issue)*, 1(24).
- Cortés_Martin, J. M. (2004). The WTO trips agreement: the battle between the old and the new world over the protection of geographical indications. *The Journal of World Intellectual Property*, 7(3), 287–326.
- Covarrubia, P. (2011). The EU and Colombia/Peru Free Trade Agreement on GIs: Adjusting Colombian and Peruvian national laws?. *Journal of Intellectual Property Law & Practice*, 6(5), 330–338.
- Crespi, J. M., & Marette, S. (2003). Some economic implications of public labeling. *Journal of Food Distribution Research*, 34(3), 83–94.
- Das, K. (2006). International Protection of India's Geographical Indications with Special Reference to "Darjeeling" Tea. *The Journal of World Intellectual Property*, 9(5), 459–495.
- Dentoni, D., Menozzi, D., & Capelli, M. G. (2012). Group heterogeneity and cooperation on the geographical indication regulation: The case of the "Prosciutto di Parma" Consortium. *Food Policy*, 37(3), 207–216.
- Deselnicu, O. C., Costanigro, M., Souza-Monteiro, D. M., & McFadden, D. T. (2013). A meta-analysis of geographical indication food valuation studies: what drives the premium for origin-based labels?. *Journal of Agricultural & Resource Economics*, 38(2).
- Desquilbet, M., & Monier-Dilhan, S. (2014). Are geographical indications a worthy quality label? A framework with endogenous quality choice. *European Review of Agricultural Economics*, 19, 2014, First published online.
- Djama, M., Fouilleux, E., & Vagneron, E. (2011). Standard Setting, certifying and benchmarking: A governmentality approach to sustainability standards in the agro-food sector. In S. Ponte, J. Vestergaard, & P. Gibbon (Eds.), *Governing through standards: Origins, drivers and limits* (pp. 187–209). London: Palgrave.
- Edou, P. E. (2008). *La protection des indications géographiques et des appellations d'origine en Afrique – état des lieux et perspectives*. Forum *sur les Indications Géographiques et les Appellations d'Origine*. Lisbonne: WIPO.
- Evans, G. E. (2013). The protection of geographical indications in the European Union and the United States under sui generis and trade mark systems: Signs of harmonization?. *Intellectual Property Quarterly*, 18–46.
- Evans, G. E., & Blakeney, M. (2006). The protection of geographical indications after Doha: Quo Vadis?. *Journal of International Economic Law*, 9(3), 575–614.
- Fligstein, N. (1996). Markets as politics: A political-cultural approach to market institutions. *American Sociological Review*, 61(4), 656–673.
- François, M., & Prak, S. (2006). *Indications Géographiques au Cambodge Phnom Penh*. GRET-CEDAC, Cambodian Institute for Research and Rural Development.
- Gangjee, D. (2007). Quibbling siblings: Conflicts between trademarks and geographical indications. *Chicago-Kent Law Review*, 82, 46.
- Gangjee, D. (2012a). *Relocating the law of geographical indications*. Cambridge: Cambridge University Press.
- Gangjee, D. S. (2012b). Geographical indications and cultural heritage. *WIPO Journal*, 4(92–102).
- Geuze, M. (2016). Geographical Indications under WIPO-administered treaties Research. In D. S. Gangjee (Ed.), *Handbook on intellectual property and geographical indications* (pp. 95–122). UK: Edward Elgar.
- Giovannucci, D., Josling, T., Kerr, W., O'Connor, B., & Yeung, M. T. (2009). *Guide to geographical indications: Linking products and their origins*. Geneva: International Trade Centre.
- Goldberg, S. D. (2001). Who will raise the white flag-the battle between the United States and the European Union over the protection of geographical indications. *University of Pennsylvania Journal of International Law*, 22(107).
- Grote, U. (2009). Environmental labeling, protected geographical indications and the interests of developing countries. *Estey Centre Journal of International Law and Trade Policy*, 10(1), 94–110.
- Hatanaka, M., Bain, C., & Busch, L. (2005). Third-party certification in the global agrifood system. *Food Policy*, 30(3), 354–369.
- Henson, S., & Humphrey, J. (2012). Private standards in global agri-food chains. In A. Marx, M. Maertens, J. Swinnen, & J. Wouters (Eds.), *Private standard and global governance: legal and economic perspectives* (pp. 328). Edward Elgar Pub.
- Hermitte, M. -A. (2001). *Les appellations d'origine dans la genèse des droits de la propriété intellectuelle. Systèmes agroalimentaires localisées. Terroirs, savoir-faire, innovations*. P. Moity-Maïzy, Etud. Rech.Syst. Agraires Dév. 32: 195–206.
- Herrmann, R., & Teuber, R. (2011). Geographically differentiated products. In J. Lusk, J. Roosen, & J. Shogren (Eds.), *Oxford handbook on the economics of food consumption and policy* (pp. 811–842). Oxford, Oxford University Press.
- Hodgson, G. M. (2006). What are institutions?. *Journal of Economic Issues*, XL(1).
- Hughes, J. (2006). Champagne, feta, and bourbon: The spirited debate about geographical indications. *Hastings Law Journal*, 58, 299–386.
- Hughes, J. (2009). *Coffee and chocolate: can we help developing country farmers through geographical indications? A report for the International Intellectual Property Institute*, Washington, DC, 152.
- Humphrey, J., McCulloch, N., & Ota, M. (2004). The impact of European market changes on employment in the Kenyan horticulture sector. *Journal of International Development: Special Issue*, 16(1).
- Ilbert, H., & Petit, J. (2009). Are geographical indications a valid property right? Global trends and challenges. *Development Policy Review*, 27(5), 503–528.
- Jena, P. R., & Grote, U. (2012). Impact evaluation of traditional basmati rice cultivation in uttarakhand state of northern India: What implications does it hold for geographical indications?. *World Development*, 40(9), 1895–1907.
- Josling, T. (2006). The war on terroir: A transatlantic trade conflict. *Journal of Agricultural Economics*, 57(3), 337–363.
- Kamperman_Sanders, A. (2010). Incentives for and protection of cultural expression: Art, trade and geographical indications. *The Journal of World Intellectual Property*, 13(2), 81–93.
- Le_Goffic, C. (2009). *La protection des indications géographiques en France, en Europe et aux Etats-Unis*. Paris: Le droit des affaires, Propriété intellectuelle, IRPI, Litec.
- Lorvellec, L. (1997). Réponse à l'article du Professeur Jim Chen (Appellations d'origine). *Revue de Droit Rural*, 249, 44–49.

- Mancini, M.-C. (2013). Geographical indications in Latin America value chains: A “branding from below” strategy or a mechanism excluding the poorest?. *Journal of Rural Studies*, 10(32), 295–306.
- Marie-Vivien, D. (2013). The protection of geographical indications for handicrafts: How to apply the concepts of natural and human factors to all products. *WIPO Journal*, 4(2), 191–203.
- Marie-Vivien, D. (2016). A comparative analysis of GIs for handicrafts: the link to origin in culture as well as nature?. In E. Barham, & D. S. Gangjee (Eds.), *Research Handbook on Intellectual Property and Geographical Indications* (pp. 292–326). UK: Edward Elgar Publishing.
- Marie-Vivien, D., & Thevenod-Mottet, E. (2015). Think globally, act bilaterally: the international stakes of the protection of geographical indications. *145th EAAE Seminar*. Department of Economics, University of Parma.
- Menapace, L., & Moschini, G. (2012). Quality certification by geographical indications, trademarks and firm reputation. *European Review of Agricultural Economics*, 39(4), 539–566.
- Mérel, P., & Sexton, R. J. (2012). Will geographical indications supply excessive quality?. *European Review of Agricultural Economics*, 39(4), 567–587.
- Montesquieu (1748). *De l'Esprit des Lois*.
- Musungu, S.F. (2008). *The protection of geographical indications and the Doha Round: Strategic and policy considerations for Africa QUNO*. Issue Paper No. 8, December: 39.
- Niederle, P. A., & Gelain, J. (2013). Geographical indications in Brazilian food markets: Quality conventions, institutionalization and path dependence. *Journal of Rural Social Sciences*, 28.
- O'Connor, B. (2004). *The law of geographical indications*. London: Cameron May.
- O'Connor, B. (2007). The EC need not be isolated on GIs. *EIPR*, 29(8), 303–306.
- OriGIIn (2010). *American origin products: protecting a legacy*. Geneva, Switzerland, oriGIIn. <<http://www.origin-gi.com/>>.
- Ostrom, E. (2005). *Understanding institutional diversity*. Princeton University Press.
- Ostrom, E. (2009). A general framework for analyzing sustainability of social-ecological systems. *Science*, 325, 419–422.
- Quiñones-Ruiz, X. F., Penker, M., Belletti, G., Marescotti, A., Scaramuzzi, S., Barzini, E., et al. (2016). Insights into the black box of collective efforts for the registration of Geographical Indications. *Land Use Policy*, 57, 103–116.
- Quiñones-Ruiz, X. F., Penker, M., Vogl, C. R., & Samper-Gartner, L. F. (2015). Can origin labels re-shape relationships along international supply chains? – The case of Café de Colombia. *International Journal of the Commons*, 9(1), 416–439.
- Rangnekar, D. (2004). The socio-economics of geographical indications, a review of empirical evidence from Europe. *UNCTAD/ICTSD Capacity Building Project on Intellectual Property Rights and Sustainable Development*, 52.
- Rangnekar, D. (2011). Remaking place: The social construction of a geographical indication for Feni. *Environment and Planning A*, 43, 2043–2059.
- Raustiala, K., & Munzer, S. R. (2007). The global struggle over geographical indications. *The European Journal of International Law*, 18(2), 337–365.
- Réviron, S., Thevenod-Mottet, E., & El Benni, N. (2009). *Geographical indications: Creation and distribution of economic value in developing countries*. Swiss National Centre of Competence in Research (NCCR). Working Paper, No. 14.
- Soam, S. K. (2005). Analysis of prospective geographical indications of India. *The Journal of World Intellectual Property*, 8(5), 679–704.
- Sylvander, B., & Allaire, G. (2007). *WP3 report: Conceptual synthesis*. Strengthening International Research on Geographical Indications (SINER-GI) Project.
- Sylvander, B., Allaire, G., Belletto, G., Marescotti, A., Barjolle, D., Thévenod-Mottet, E., & Tregear, A. (2006). Les dispositifs français et européens de protection de la qualité et de l'origine dans le contexte de l'OMC : justifications générales et contextes nationaux. *Revue canadienne des sciences régionales*, 29(1), 43–54.
- Sylvander, B., Lagrange, L., & Monticelli, C. (2007). Les signes officiels de qualité et d'origine européens. *Économie rurale*, 299, 7–23.
- Thévenod-Mottet, E., & Marie-Vivien, D. (2011). Legal debates surrounding geographical indications. In E. Barham, & B. Sylvander (Eds.), *Labels of origin for food: Local development, global recognition* (pp. 13–28). CABI.
- Tregear, A., Arfini, F., & Marescotti, A. (2007). Regional foods and rural development: The role of product qualification. *Journal of Rural Studies*, 23, 12–22.
- Trong Vu, B., & Dao Duc, H. (2006). *Geographical indication and appellation of origin in Vietnam: Reality, policy and perspective* p. 176. IPSARD – MISPA PROJECT.
- Van de Kop, P., & Sautier, D. (2004). *Origin-based products-lessons for pro-poor market development*. Montpellier, France: Royal Tropical Institute – KIT: Amsterdam and CIRAD.
- Vandecastelaere, E., Sautier, D., Belletti, G., & Marescotti, A. (2009). *Linking people, places and products: A guide for promoting quality linked to geographical origin and sustainable Geographical Indications*. Food and Agriculture Organization of the United Nations (FAO) and SINER-GI.
- Weber, M. (1919). *Politics as vocation*.
- Winfree, J. A., & McCluskey, J. J. (2005). Collective reputation and quality. *American Journal of Agricultural Economics*, 87(1), 206–213.
- Xiaobing, W., & Kireeva, I. (2007). Protection of Geographical Indications in China: Conflicts, causes and solutions. *The Journal of World Intellectual Property*, 10(2), 79–96.
- Zhao, X., & Finlay, D. (2014). The effectiveness of contemporary Geographical Indications (GIs) schemes in enhancing the quality of Chinese agrifoods – Experiences from the field. *Journal of Rural Studies*, 36, 77–86.