



Consultation Meeting on Developing a Geographical Indications Protection System in Brunei Darussalam

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Brunei Darussalam | 04 March 2019

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Topics for Discussion

1. Overview of the Protection of Geographical Indications
2. Benefits and Advantages of a *Sui Generis* System
3. Geographical Indications in Southeast Asia
4. Roundtable Discussion



OVERVIEW OF THE PROTECTION OF GEOGRAPHICAL INDICATIONS



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Different Concepts of IP Protection

Trademark

Distinguishes the goods and/or services of one person/entity from that of another.

Collective Mark

Distinguishes the origin, material, mode of manufacture or other common characteristics of goods/services of different enterprises.

Certification Mark

Certifying body is competent to certify the product as to: quality, safety, environmental friendliness, or other characteristics.

Geographical Indications

Signs used on products with a specific geographical origin and possess qualities or a reputation that are due to that origin.



Different Intellectual Property Rights

Trademarks

- Any exclusively descriptive word may not be protected as a trade mark.
- However, geographical names are registrable insofar as they have acquired distinctiveness through their use and they identify a particular product or service, without indicating any geographical origin.

Geographical Indications

- While Trademarks distinguish the goods or services of one enterprise from those of another, geographical indications identify a product or service as originating from a particular geographical area, **independently from the company which produces or offers it.**



Different Intellectual Property Rights

Trademarks

- Protection is afforded against use in the course of trade by third parties without the owner's consent, of identical or similar signs for identical or similar goods, where such use would result in a likelihood of confusion.

Geographical Indications

- Protects use of the GI that would mislead consumers as to the true geographical origin of the product.
- GIs for wines and spirits - use by an ineligible or unauthorized person, even where it does not result in consumers being misled.
- Protection against use in a translation, or against imitation or evocation.



Different GI Protection Systems

Sui Generis

- Since the qualities depend on the geographical place of production, there is a clear link between the product and its original place of production.
- Once protected, the exclusive right to use the geographical indication belongs to **all producers in a given geographical area**, who comply with the specific conditions of production

Collective/Certification Marks

- **Collective:** Mark is owned by a collective organization, and can be used by the collective only to promote members' interests. Members must comply with rules of the organization.
- **Certification:** Certifying body owns the mark, defines standards, and ensures compliance by users. Use is not confined to membership, but mark cannot be used by certifying body itself.



Why Protect Geographical Indications?

- **Serves as a valuable tool to differentiate competing goods on the market:** Brand recognition is an essential aspect of marketing. Geographical indications can thus be a key element in developing brands for quality-bound-to-origin products.
- **GI products generally command a premium price:** the “place of origin” suggests to consumers that the product will have a particular quality or characteristic that they may value. Often, consumers are prepared to pay more for such products.
- **Avert the risk of misuse by free riders** (right of exclusion).
- **To prevent the registration of a conflicting trade mark.**
- **To limit the risk of the indication becoming a generic term.**
- May contribute as a factor of **rural development, local employment creation, and regional promotion.**

BENEFITS AND ADVANTAGES OF A *SUI GENERIS* SYSTEM FOR THE PROTECTION OF GEOGRAPHICAL INDICATIONS



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III. BENEFITS OF A SUI GENERIS SYSTEM

Emphasis on Geographical Origin and Reputation

- Highlights the link between the geographical origin and the quality and/or reputation of the product, which is the essence of GIs and the basis for the premium price point.

Enhanced Protection Against Misuse

- Protected even when the indication is used together with a mention of the true geographical origin or with delocalizing expressions.
- Also protected against imitation and evocation.

Potential to promote competitive behavior

- GIs have the potential to promote competitive behaviors among producers keen to differentiate their goods through improved quality.



III. BENEFITS OF A SUI GENERIS SYSTEM

Supports Development of Export Potential

- Competitive advantage in labor-intensive sectors such as agriculture & handicrafts.
- Producers of commodities can turn into exporters of high-quality agribusiness and handicraft products.

Promotes Income Distribution

- Right to use belongs not to a single company, but to all producers respecting the product's specifications in a given geographical area.
- Has tremendous potential in terms of income distribution.

Fosters Developing Economies of Scale

- A collective approach among producers and various actors in the value chain is needed to create and develop a GI.
- Generates economies of scale that are beneficial for producers, especially for small organizations.



BENEFITS OF GI PROTECTION

PRODUCERS

- *Higher demand*
- *Increased production*
- *Competitive pricing*

SOCIETY

- *Employment*
- *Rural development*
- *Tourism*
- *Biodiversity*

CONSUMERS

- *Assurance of product quality*
- *Source is guaranteed*



GEOGRAPHICAL INDICATIONS IN SOUTHEAST ASIA



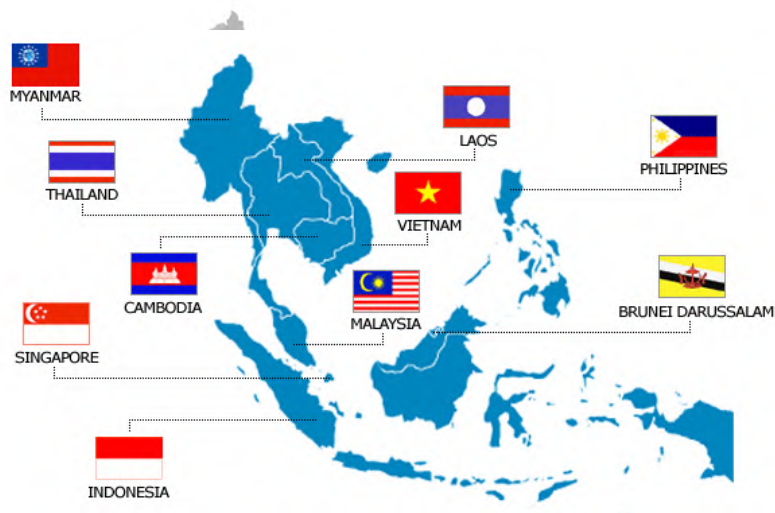
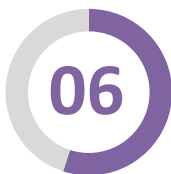
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GIs IN SEA: FACTS AND FIGURES

GI Registration systems

ASEAN Member States have GI registration system in place: Malaysia, Thailand, Vietnam, Indonesia, Cambodia, Lao PDR



ASEAN region

GIs registered in the ASEAN region including both local and foreign (as of Dec 2018)

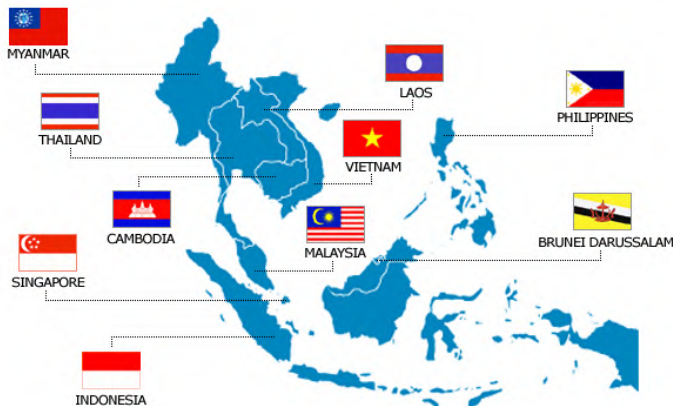


EU market

GIs registered in the European Union (as of Dec 2018)



GIs IN SEA: FACTS AND FIGURES



> 335 GIs
registered in ASEAN

(01) Lao PDR

Khao Kay Noi (November, 2018)

(03) Cambodia

Kampot Pepper, Kampong Speu plam sugar and Koh Trung Pomelo

(66) Vietnam

Nuoc Nam Phu Quoc, Fried Calamari Ha Long, Cao Phong Orange, etc.

(67) Indonesia

Kopi Arabika Gayo, Lada Putih Muntok, Madu Sumbawa, Kintamani Arabica Coffe, etc.

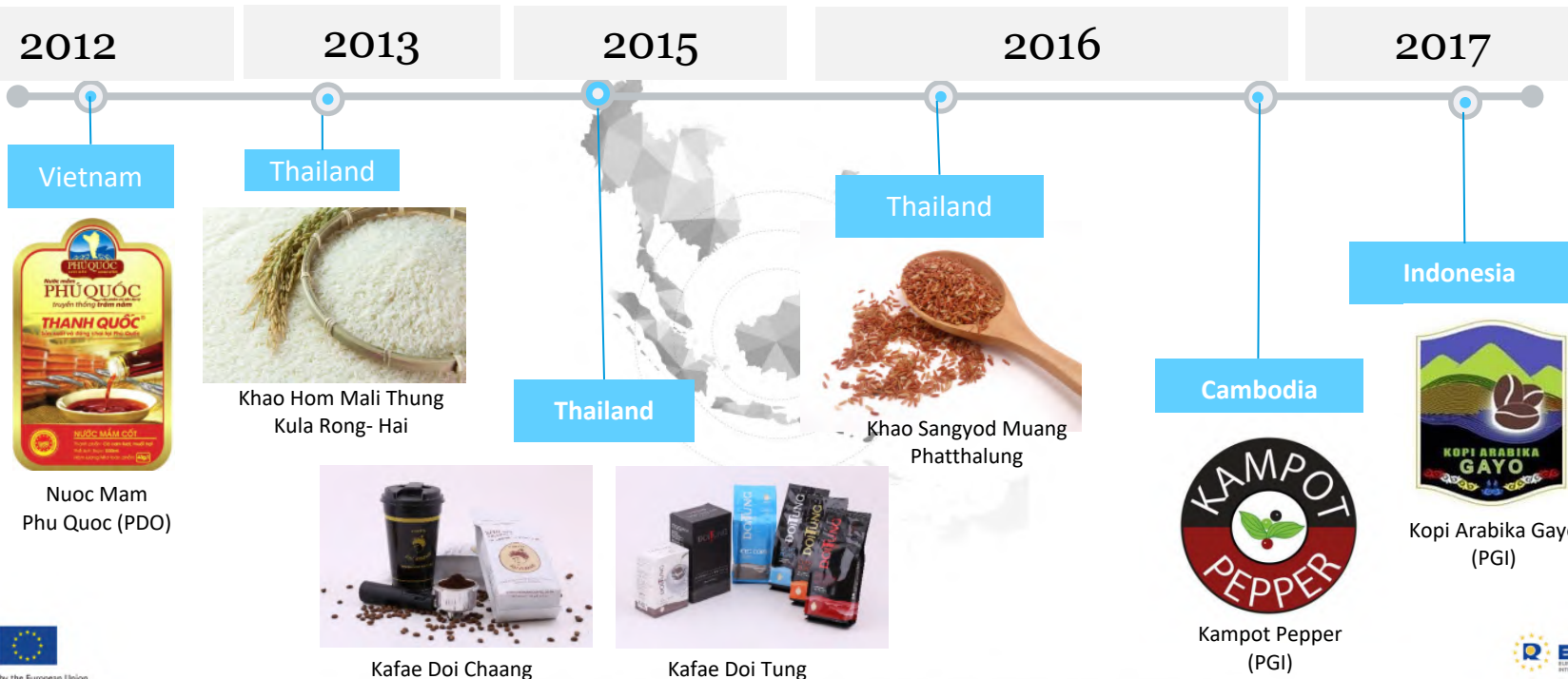
(83) Malaysia

Sarawak Pepper, Sabah tea, Kopi Tenom, Mangga Harumanis Perlis, etc.

(115) Thailand

Doi Chaang Coffee, Doi Tung Coffee, Tung Kula Rong-Hai Hom Thai Mali Rice, Khao Yai Wine, etc.

ASEAN GIs registered in the EU market



ASEAN GI DATABASE



More than 180 GIs in ASEAN region

Country of registration	GI Name	Registration date	Right Holder	Geographical origin	Information fiche
Thailand	Phetchabun Sweet Tamarind	14/10/2005	Phetchabun Province	Domestic	
Thailand	Chainat Khaotangkwa Pomelo	28/06/2006	Chainat Fruit Tree Association	Domestic	
Thailand	Kafae DoiTung	02/05/2006	Mae Fah Luang Foundation	Domestic	
Thailand	Mae Jaem Teen Jok Fabric	24/10/2007	The Province of Chiang Mai	Domestic	
Thailand	Trang Roast Pork	02/05/2006	Trang Province	Domestic	
Thailand	Phurua Plateau Wine	02/05/2006	C.P.K. International Co. Ltd.	Domestic	
Thailand	Phanat Nikhom Basketry	30/04/2010	Mr Komrich Boriboon	Domestic	
Thailand	Angsila Stone Mortar	30/09/2013	Mr Kajorn Rungruangsilatiph	Domestic	
Thailand	Nanglae Pineapple	29/12/2006	The Nanglae Tambon Administration	Domestic	
Thailand	Nakornchaisri Pomelo	29/09/2004	Nakornpathom Chamber of Commerce	Domestic	
Thailand	Sakon Dhavapi Haang Golden Aromatic Rice	26/07/2006	Sakon Nakorn Province	Domestic	

ECAP III
Geographical Indication

Name: Khao Hom Mali Thung Kula Rong-Hai
ข้าวหอมมะลิทุ่งกุลาร้องไห้

Country: Thailand

Date of registration: 26/07/2006

Main characteristics/features

Khao Hom Mali Thung Kula Rong-Hai refers to a brown, milled paddy rice processed from the Khao Daek Mali 105 and Khao 108 or RD 15 rice varieties, grown during the rainy season in the Thung Kula Rong-Hai area. This rice is characterised by its pale yellow colour, long, slim, transparent and shiny appearance and pleasant smell. When cooked, the rice smells like pandanus leaf. It has a velvety, springy texture and tastes slightly sweet. Newly harvested KDML 105 and RD 15 rice grains have a creamy smooth texture when boiled.

Geographical area

The Thung Kula Rong-Hai Plain is a large plain in north-east Thailand, extending across five provinces, namely Roi Et, Mahasarakham, Surin, Yasothon and Sisaket. It was formerly named Thung Mah Long or Thung Pu Pa Lan.

Production and processing

The rice seeds used to produce Khao Hom Mali Thung Kula Rong-Hai must be grown in Thung Kula Rong-Hai. The whole of the production cycle must take place in the defined geographical area to ensure that it is conducted entirely under the geographical conditions specific to this area. Harvesting is governed by specific rules that cover the dates (from October to December), phenological stages and grain moisture to guarantee the hygiene and safety of the product and complete traceability of the rice in the region of origin and even, in many cases, to the original farmer. Khao Hom Mali Thung Kula Rong-Hai must be packaged within the area in which it is produced. Repackaging is not allowed in order to prevent any possible contamination or alteration of the product. Packages must be labelled with the weight, date of packaging, and name of the mill or cooperative.

Link between product and territory

Legend has it that the name 'Thung Kula Rong-Hai' (plain of the crying Kula) is derived from the Kula merchants who travelled through the region from their homelands. Cultivation of Hom Mali rice in Thung Kula Rong-Hai began in 1959. A local know-how has since been developed to obtain rice of a good physical quality, with long, slim, clear and strong grains. The cooked rice should be soft and fragrant. This practice gives Khao Hom Mali Thung Kula Rong-Hai its unique quality, distinctive from Hom Mali rice grown in other areas and recognised by traders and consumers both in the producing country itself and internationally. The slightly saline soil in northern Thailand, the coolness and dryness of the area, the specific rice varieties used, the climate and the soil nutrients cause the paddy to become stressed and produce 2-acetyl-1-pyrindole (2A-1-P), the same aromatic substance which produces the fragrance in pandanus leaves.

Publication in the Official Gazette: 24/10/2007

Competent Authority: Intellectual Property Department

GI right holder/GI association: Thai Hom Mali Rice Trade Association

Contact information: 37 Soi Ngernyuan, Rama 4 Rd., Trongsamran, Sathon District, Bangkok 10120, Thailand

Type of product: Rice

Control body: ECAGRICERT (Thailand) Co., Ltd

File number: 49100320

Websites:

GI CASE STUDIES IN SOUTHEAST ASIA: KAMPOT PEPPER (CAMBODIA)



KAMPOT PEPPER: CAMBODIA



Green pepper



Red pepper



Black pepper



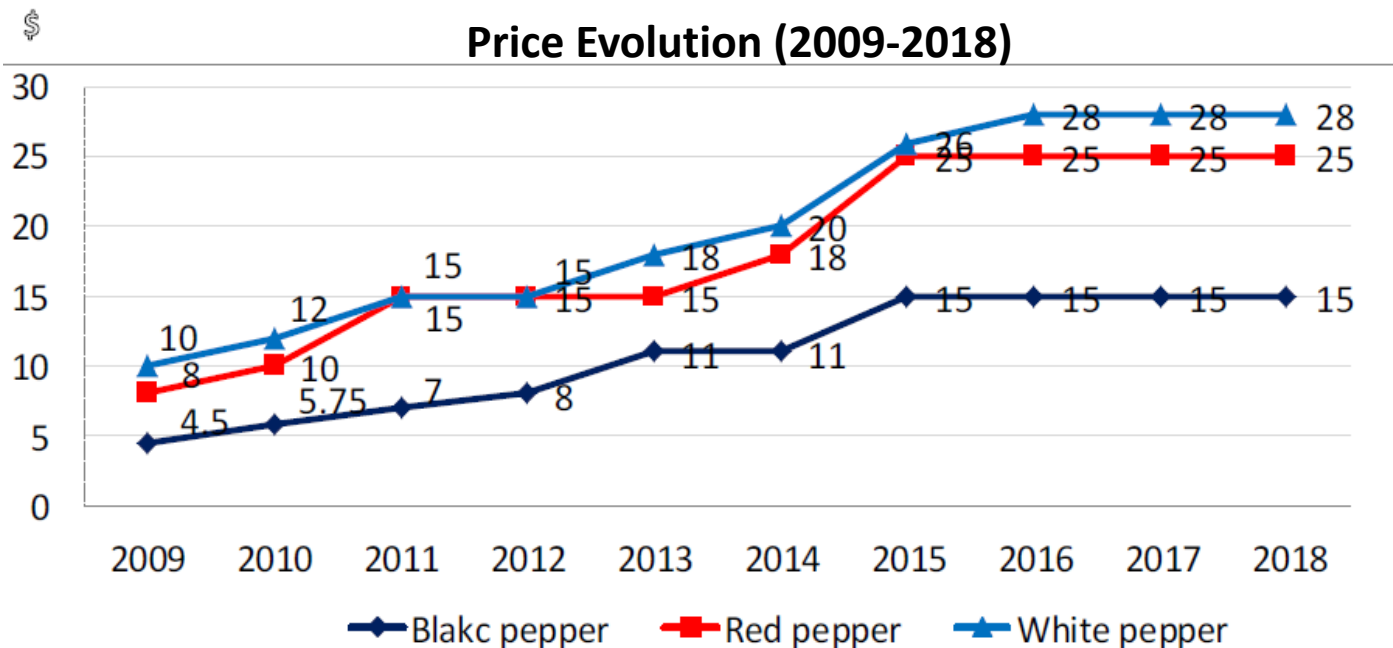
White pepper

AT A GLANCE

- **Price evolution:** price dramatically increased since GI was registered, from less than 5 USD/kg of black pepper in 2008-2009, up to 15 USD/kg in 2016
- **Members of KPPA:** number of producers registered with KPPA has multiplied by three times (2009-2017)
- Described as “**black gold**”, being used by many well-known chefs around the world.



KAMPOT PEPPER: CAMBODIA



KAMPOT PEPPER: CAMBODIA

2.5. Promotion tools of Kampot pepper



Promotion of Kampot Pepper

- Development of promotional tools: leaflets, banners, videos, etc.
- Promotion activities through: website (www.kampotpepper.biz), radio, television, magazine and other media
- Participation in exhibitions in Cambodia and abroad



GI CASE STUDIES IN SOUTHEAST ASIA: THAILAND



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THAILAND GIs

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Thai Geographical Indication



10 Rices

- Surin Hom Mali Rice
- Sangyod Muang Phatthalung Rice
- Thung Kula Rong-Hai Thai Hom Mali Rice
- Sakon Dhavapi Haang Golden Aromatic Rice
- Khao Jek Chuey Sao Hai
- Kaowong Kalasin Sticky Rice
- Khao Leuang Patew Chumphon
- Khao Kurn Lanna
- Khao Rai Leum Pua Petchabun
- Khao Hormmali Ubol Ratchathani



18 Foods

- Trang Roast Pork
- Pon-Yang-Khram Beef
- Doi Tung Coffee
- Doi Chaang Coffee
- Suratthani Oyster
- Chaia Salted Eggs
- Namtarn Tanode Muang Petch
- Kanom Mor Kaeng Muang Petch
- Chiangrai Tea
- Lampang Khao Tan
- Pla Rad Lumnam Sakae Krang Uthai Thani
- Bangkrathum Phitsanulok Dried Banana
- Lamphun Golden Dried Longan
- Sakon Nakhon Mak Mao Berry Juice
- Khaothalu Coffee
- Kafae Dong Ma Fai
- Thepsadej Coffee
- Salted fish Kulao Tak Bai



47 Fruits and Vegetables

- Nakhonchaisri Pomelo
- Chainat Khaotangkwa Pomelo
- Som-O Khao Yai Samutsongkram
- Pakpanang Tabtimsiam Pomelo
- Yarang Puko Pomelo
- Som-O Thakhoei Mueang Phichit
- Pomelo Hom Khuanlang
- Lamphun Blackhiao Longan
- Bang Mod Tangerine
- Sriracha Pineapple
- Chiangrai Phulae Pineapple
- Nanglae Pineapple
- Phuket Pineapple
- Pineapple Hauymon
- Tha Uthen Pineapple
- Bankha Pineapple
- Trat si thong Pineapple
- Longkong Tanyoungmat
- Phetchabun Sweet Tamarind
- Kathon-Hor-Bangkrang
- Krathon Ta-Lung
- Nont Durian
- Durian Pa La-U
- Durian Prachin
- Uttaradit Long lab - Lae Durian
- Uttaradit Lin lab - Lae Durian
- Lava Durian Sisaket
- Kamphaeng Phet Banana
- Gluay Hin Bannang Sata
- Chumphon Ladyfinger Banana
- Samutsongkhram Kom Lychee
- Phet Rose Apple
- Nakhonphanom Lychee
- Bang Khun Thien Lychee
- Water Chestnuts Suphan
- Sakon Nakhon Mak Mao Berry
- Nan Golden Orange
- Koh Phangan Coconut
- Ratchaburi Aromatic Coconut
- Banpheao Aromatic Coconut
- Manao Petchaburi
- Nam Dok Mai khung Bang Kacho Mango
- Mayongchid Nakhonnayok
- Maprangwhan Nakhonnayok
- Phrik Bang Chang
- Banmai Sapodilla
- Rongrien Nasan Rambutan



9 Silks and Cottons

- Mae Jaem Teen Jok Fabric
- Sakon Nakhon Natruai Indigo Dyed Fabric
- Lamphun Brocade Thai Silk
- Praewa Kalasin Thai Silk
- Chonnabot Mudmee Thai Silk
- Isan Indigenous Thai Silk Yarn
- Baan Huai Hom cotton wool blend fabric
- Phamai - madmee - Chinteadang Buriram
- Nong Sung's Fermented mud cloth



13 Handicrafts

- Phanat Nikhom Basketry
- Angsila mortar stone
- Bor Sang Umbrella
- Ban Chiang Pottery
- Chiangmai Celadon
- Mook Phuket
- Kohkret Pottery
- Yok Mlabri Nan
- Lampang Chicken Bowl
- Sangkhalok Sukhothai
- Chanthaboon Mat
- Nil Muang Kan
- Ban Mon Pottery
- Khao Yai Wine



(As of 30 June 2018)



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THAILAND GIs

Thai Geographical Indication

99 Registered Thai GIs from 66 Provinces



North

Kamphaeng Phet

- Kamphaeng Phet Banana

Chiang Rai

- Doi Tung Coffee
- Doi Chaeng Coffee
- Nangae Pineapple
- Chiangrai Phulae Pineapple
- Chiangrai Tea

Chiang Mai

- Mae Jaem Teen Jek Fabric
- Bor Sang Umbrella
- Chiangmai Celadon
- Thepsadej Coffee

Nan

- Yok Mabri Nan
- Nan Golden Orange

Phichit

- Som-O Thakhoi Musang Phichit

Khao Kum Lanna is produced in 8 Provinces: 1.Chiangmai 2.Chiangrai 3.Lampang 4.Lamphun 5.Phae 6.Nan 7.Phyayao and 8.Maehongson.

Central

Nakhon Nayok

- Mayongchid Nakhonnayok
- Mayongchit Nakhonnayok

Chai Nat

- Chanat Khaotangkwa Pomelo

Nakhon Pathom

- Nakhonchai Pomelo

Nonthaburi

- Kohkret Pottery
- Kathon-Hor-Bangkrang
- Nont Duriat

Bangkok

- Bang Mod Tangerine
- Bang Khun Thien Lychee

Phra Nakhon Si Ayutthaya

- Benmai Sapodilla

Suphan Buri

- Water Chestnuts Suphan

Suphan Buri

- Water Chestnuts Suphan

Sukhothai

- Sangkhakok Sukhothai

Phitsanulok

- Bangkrathum Phitsanulok
- Dried Banana

Petchaburi

- Petchaburi Sweet Tamarind
- Khao Raj Larn Pua Petchaburi

Mae Hong Son

- Baan Hui Hom cotton wool blend fabric

Lampang

- Lampang Khao Tan
- Lampang Chicken Bowl

Lamphun

- Lamphun Brocade Thai Silk
- Lamphun Golden Dried Longan
- Lamphun Blackkiao Longan

Uttaradit

- Pineapple Hauymon
- Uttaradit Long lab - Lae Durian
- Uttaradit Lin lab - Lae Durian

Uthai Thani

- Ph Ra Rai Lumrim Sakae Krang
- Uthai Thani

Nakhon Sawan

- Ban Mon Pottery

Phetchaburi

- Phet Rose Apple
- Namtan Tanode
- Muang Petch
- Kanom Mor Kaeng
- Manao Petchaburi

Kanchanaburi

- Nili Muang Kan

Eastern

Chonburi

- Siracha Pineapple
- Phraet Nakhon Basketry
- Angsila mortar stone

Trat

- Trat si thong Pineapple

Chanthaburi

- Chanthaboon Mat

Northeast

Nakhon Ratchasima

- Kafae Dong Ma Fai
- Khao Yai Wine

Kalasin

- Kaowong Kalasin Sticky Rice
- Praewa Kalasin Thai Silk

Khon Kaen

- Chonnabot Mudmee Thai Silk

Nakhon Phanom

- Tha Uthen Pineapple
- Nakhonphanom Lychee

Buriram

- Phamai - madmee
- Chinteandang Buriram

Udon Thani

- Ban Chiang Pottery

Loei

- Phuqua Plateau Wine

Thung Kula Rong-Hai Thai Hom Mali Rice is produced in 5 Provinces:

1.Roi Et 2.Yasothon 3.Surin 4.Maharakham and 5.Sisaket

Isan Indigenous Thai Silk Yarn is produced in 20 Provinces:

1.Nong Khai 6.Udonthani 11.Roi Et 16.Sisaket
2.Nakhonphanom 7.Loei 12.Yasothon 17.Ubonratchathani
3.Mukdahan 8.Khonkaen 13.Nakhonratchasima 18.Nongbualumphu
4.Chaiyaphum 9.Maharakham 14.Buriram 19.Annattharoen and
5.Sakonkakhon 10.Kalasin 15.Surin 20.Bueghthan.

Southern

Chumphon

- Chumphon Ladyfinger
- Banana

Khao Luang

- Khao Luang Patew
- Chumphon
- Khaothalu Coffee

Surat Thani

- Suratthani Oyster
- Chaiya Salted Eggs
- Koh Phangan Coconut

- Rongrien Natan Ramboutan

Nakhon Si Thammarat

- Pakpanang Tabtimiam Pomelo

Phatthalung

- Sangyod Muang Phatthalung Rice

Phuket

- Phuket Pineapple
- Mook Phuket

Songkhla

- Ponnalo Hom Khuaing
- Yarang Puko Pomelo

Narathiwat

- Salted fish Kulao Tak Bai
- Longkong Tanyougmat

Trang

- Trang Roast Pork

Yala

- Giaty Hin Bannang Sata

THAILAND GIs



DOI CHAANG (THAILAND)



Coffee Cherry Price

4.50 baht/kg (before registration)
→ 15 baht/kg (once registered)
→ 28-32 baht/kg (now)

Green Bean Price

12 USD/kg → 65 USD/kg

Contract Farming

Coffee Contract of 5 year + 5 year
+ 5 year from all over the world



CHIANG RAI PHULAE PINEAPPLE



Price Comparison

(year 2004 before registered as a GI and now)

- **Price at Farm**
8 baht/kg → 23 baht/kg
- **Retail Price**
35 baht/kg → 50 baht/kg
Going to be 60 baht/kg soon

ROUNDTABLE DISCUSSION

Roundtable Discussion

1. Products of Brunei Producers that are Potential GIs
2. Needs of Producers for Improving the Quality, Branding, and Commercialization of their Products
3. Support provided by the Government to Producers
4. Options for Setting Up a Geographical Indications System
5. Way Forward on the Development of a GI System in Brunei



THANK YOU

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