



Geographical Indications

Protecting “**territory brands**” for the benefits of rural producers

**The Kampot Pepper Experience: Protection, Control, Marketing,
and Enforcement**

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I. Protected Geographical Indication both National and International

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- Two GI products such as **“Kampot pepper”** and **“Kampong Speu palm sugar”** have been registered by the Ministry of Commerce since 02nd April 2010 as GI product in Cambodia
- **“Kampot pepper”** and **“Kampong Speu palm sugar”** is registered in Vietnam on 28 December 2016
- **“Kampot pepper”** and **“Kampong Speu palm sugar”** is registered in Thailand on 17 March 2017
- **“Kampot pepper”** has been registered as PGI in Europe (18 Feb 2016) with support of ECAP III Project
- **“Kampong Speu palm sugar”** has been registered as PGI in Europe (20 Dec 2019) with support of FAO-AFD Regional Project
- **“Koh Trung Pomelo”** registered by the Ministry of Commerce on 09th June, 2018 as the third GI Product in Cambodia under technical Assistance by WIPO
- **“Application for international registration of Kampot Pepper under the WIPO Lisbon System (Geneva Act) on October 21, 2020”**

Protected Geographical Indication both National and International



Some Potential Products in Cambodia



Products name	Province
1. Karivong Pepper ប្រេងឆីវង	(Takeo) តាកែវ
2. Ratanakiri Coffee កាហ្វេរតនៈគីរី	(Ratanakiri) រតនៈគីរី
3. Mondulakiri Coffee កាហ្វេមណូឈឺរី	(Mondulakiri) មណូឈឺរី
4. Siem Reap Sausage សាច់ក្រពកឆៀមរាប	(Siem Reap) ឆៀមរាប
5. Prabok Siem Reap (Fish Past) ត្រីប្រហុកត្រីកំត្វាឆៀមរាប	(Siem Reap) ឆៀមរាប
6. Phnoming Kobdash ពាម្យងកោះពេចំ	(Kandal) កណ្តាល
7. Phnom Srok Silk ស្បែកភ្នំស្រុក	(Banteay Meanchay) បន្ទាយមានជ័យ
8. Stung Treng Pomelo ក្រូចផ្លែស្លឹកត្រង	(Stung Treng) ស្ទឹងត្រង
9. Stung Treng Pine Apple ម្រាស់ទឹកឃ្មុំស្លឹកត្រង	(Stung Treng) ស្ទឹងត្រង
10. Kampot Duran ចូរដកំពត	(Kampot) កំពត
11. Kampot fish source ទឹកត្រីកំពត	(Kampot) កំពត
12. Battambang Orange ក្រូចពោធិសាត់បាត់ដំបង	(Battambang) បាត់ដំបង
13. Battambang Rice អង្ករបាត់ដំបង	(Battambang) បាត់ដំបង
14. Battambang Nem ពណ្យបាត់ដំបង	(Battambang) បាត់ដំបង
15. Neang Am Rice អង្ករនាងអំ	(Kratie) ក្រចេះ
16. Pomelo Kok Trong ក្រូចផ្លែកោះទ្រូង	(Kratie) ក្រចេះ
17. Kratiach Kratie ក្រឡានក្រចេះ	(Kratie) ក្រចេះ
18. Hol Prek Chankran ហូលក្រពកចង្ក្រាន	(Kampong Cham) កំពង់ចាម
19. Prawn Takeo បង្កាត់តាកែវ	(Takeo) តាកែវ
20. Sre Ronoung Dog Eggs ពងទាវនៃស្រែនេរោង	(Takeo) តាកែវ
21. Red rice Svay Rieng អង្ករក្រហមស្វាយរៀង	(Svay Rieng) ស្វាយរៀង
22. Cardamom Pursat ក្រវាញពោធិសាត់	(Pursat) ពោធិសាត់

II. Protected Geographical Indication

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► Protection of local value

Geographical indication is not the only intellectual property right that can be used to protect local and traditional products. Some countries use trademark regimes and/or passing off actions or on the basis of unfair competition and consumer protection acts. Based on their experience in trying to secure protection of their IP rights.

It is important to first understand why producers choose the GI route to protect local value. In fact, producers around the world share a common belief: a geographical indication is the best tool to protect the property rights on their product's name.

- a. GI protection prevents from the relocation of production: A geographical indications is by essence rooted in a region and cannot be produced anywhere else.
- b. GI protection can be conferred to all producers of the area that comply with the standards of production.
- c. Geographical indications may be the only form of intellectual property that local communities are likely to own. A geographical indication is by essence a collective right to all producers of a GI product.

II. Protected Geographical Indication

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The use of a trademark regime to protect a GI name does not provide for a protection as comprehensive as the one offered by a sui generis GI system. GI producers must pay attention to the scope of the protection given.

► Article 23: Protection of Cambodian and Foreign Geographical Indication

The Cambodian and foreign geographical indications registered in the Kingdom of Cambodia shall be protected against any:

- a. Direct or indirect commercial misuse of a registered geographical indication in respect of identical or comparable goods to those of the registered geographical indication where the misuse benefited or would benefit from the reputation of the geographical indication;
- b. unauthorized use, imitation, evocation or translation of the geographical Indication even if the true origin of the goods is accompanied by the expression such as “style”, “type”, “method”, “manner”, “imitation”, or translations of such expressions, or of similar expressions likely to mislead the public;
- c. false or misleading indication as to origin, nature, or specific quality of the goods appearing on packaging, or in advertising materials or on other documents concerning the goods that are likely to mislead its origin;
- d. other practices likely to mislead the public as to the true origin of the goods.

III. Control Geographical Indication

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➤ Control and traceability system

a. Need to guarantee quality to gain consumer trust

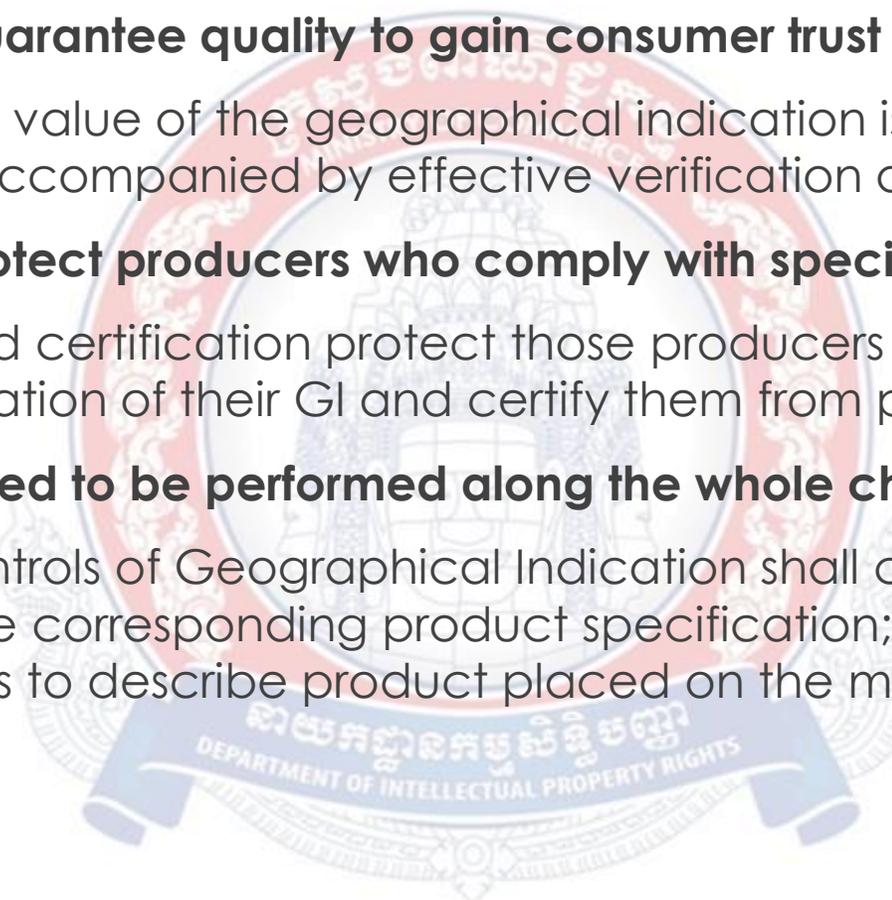
The added value of the geographical indication is based on consumer trust. It is only credible if accompanied by effective verification and control.

b. Need to protect producers who comply with specifications

Control and certification protect those producers who make the effort to comply with the specification of their GI and certify them from producers who do not.

c. Controls need to be performed along the whole chain

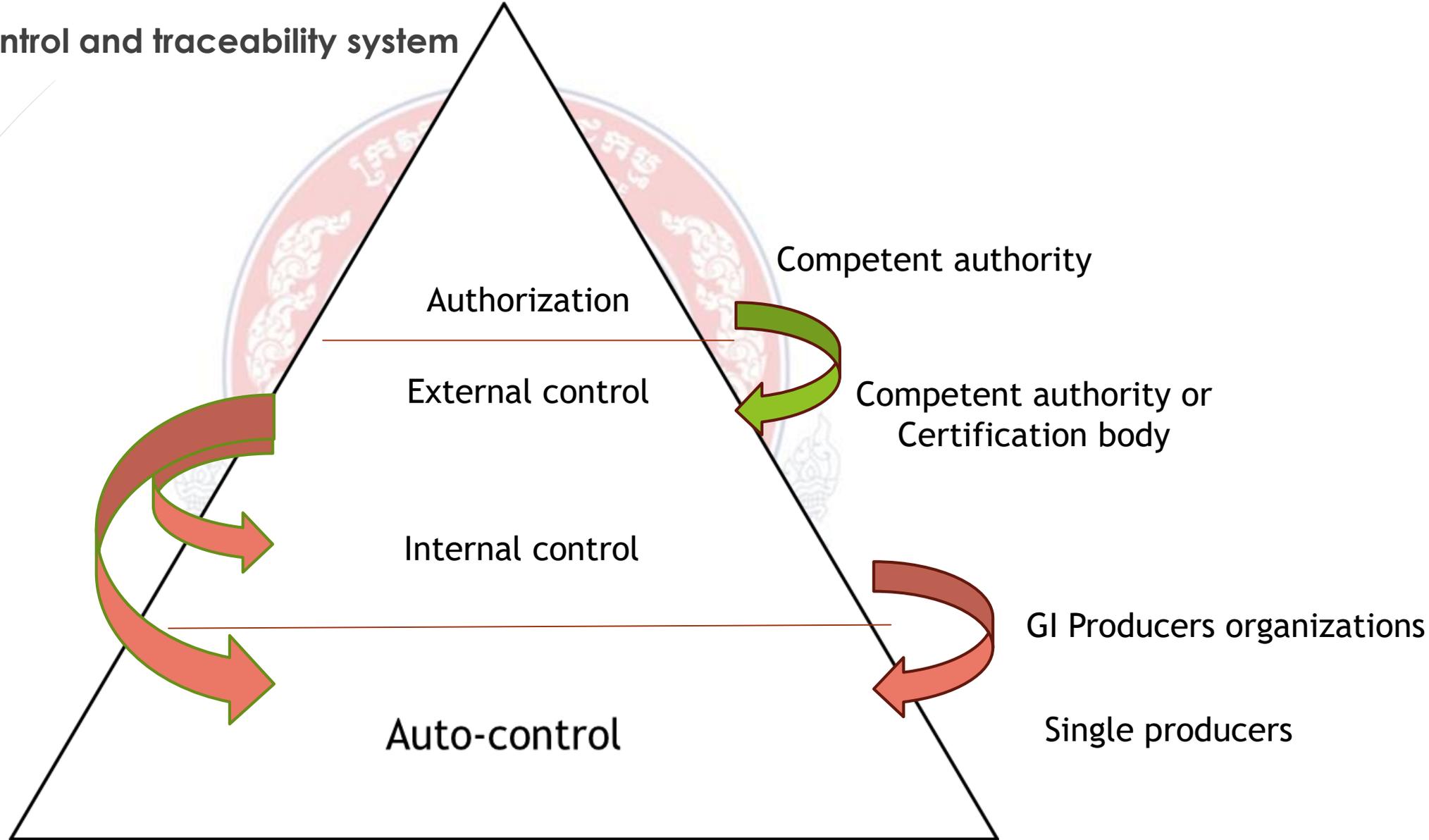
Official controls of Geographical Indication shall cover: Verification that a product complies with the corresponding product specification; and Monitoring of the use of registered names to describe product placed on the market.



III. Control Geographical Indication

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Control and traceability system



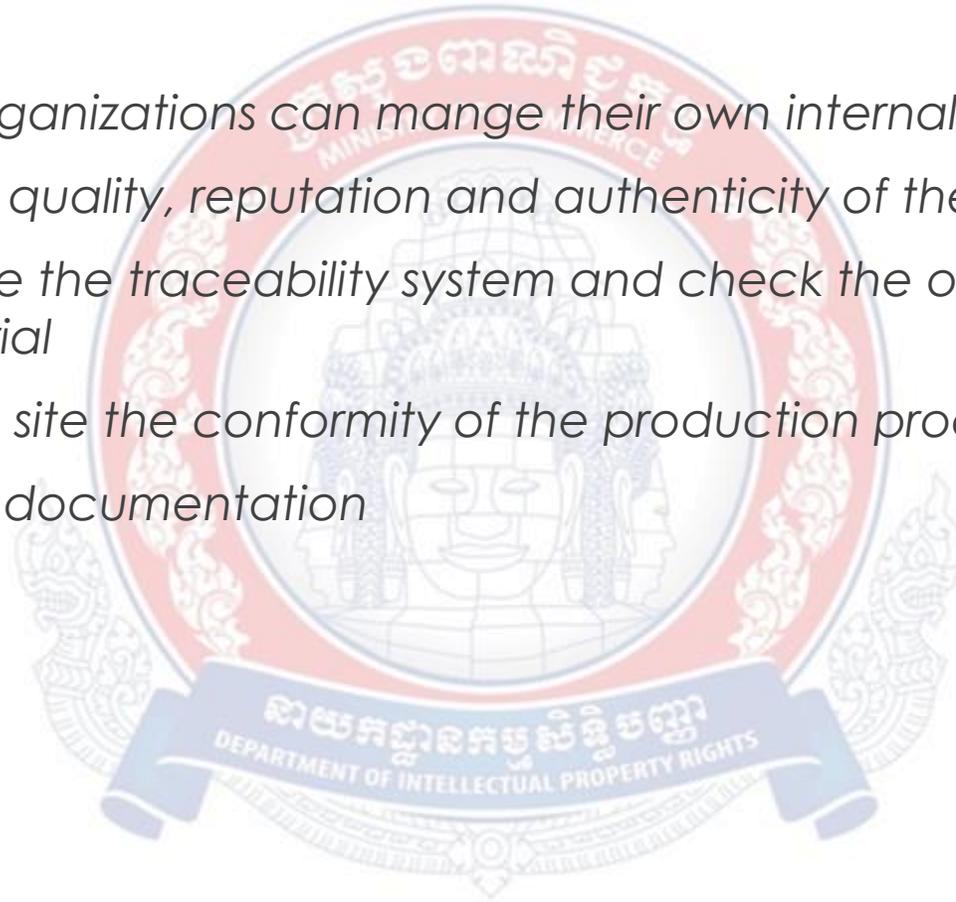
III. Control Geographical Indication

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➤ Control and traceability system

Producer organizations can manage their own internal control to:

- 1. Ensure the quality, reputation and authenticity of their products – Sensory analysis*
- 2. Coordinate the traceability system and check the origin of the products, including raw material*
- 3. Inspect on site the conformity of the production process with the specifications*
- 4. Centralize documentation*



IV. Marketing

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► GIs as marketing tool for agribusiness and handicraft products

Unlike other intellectual property rights, like patents and trademarks, which require innovative knowledge and a technology capable of industrial application, Developing countries are rich of this kind of traditional knowledge, generated and transmitted over generations. An appropriate use of the GI scheme can help them transform this knowledge into marketable products and reach out international markets. Moreover, poor countries have a competitive advantage in labor-intensive sectors such as agriculture and handicrafts. Through GIs (which by definition apply to these sectors), producers of generic commodities (product sold in bulk) in developing countries can turn into exporters of high-quality agribusiness and handicraft products.

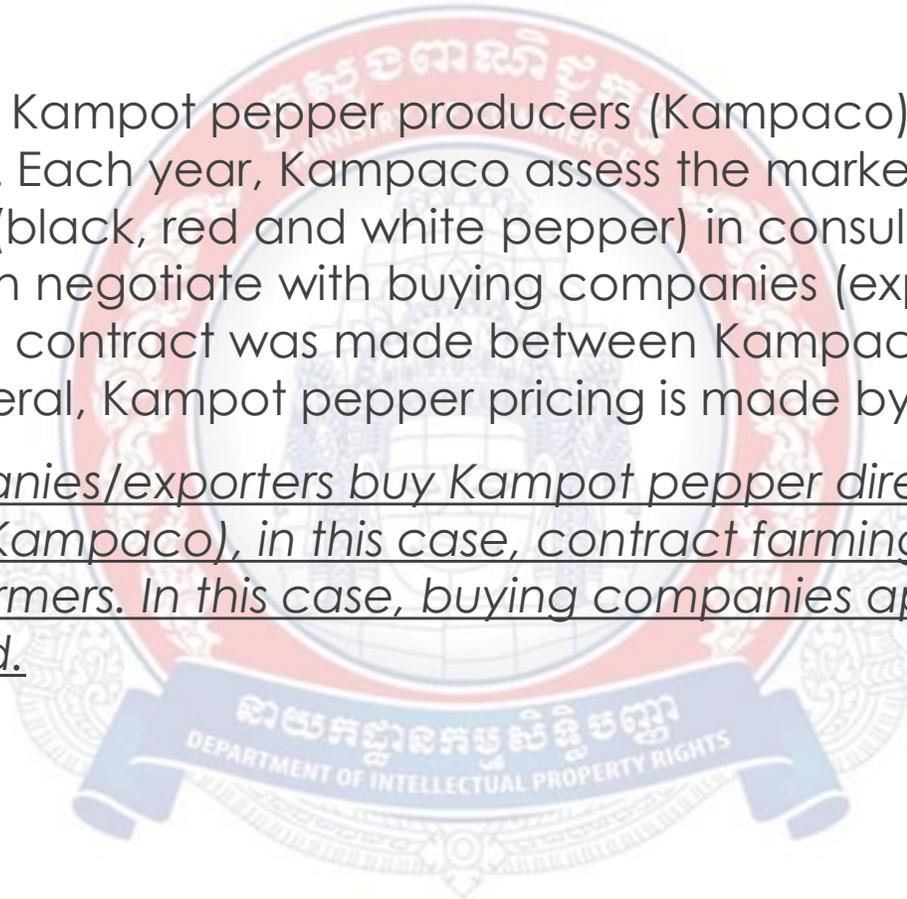
IV. Marketing

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➤ Case study of Kampot pepper

A cooperative of Kampot pepper producers (Kampaco) was established soon after the creation of KPPA. Each year, Kampaco assess the market prices of different kinds of Kampot pepper (black, red and white pepper) in consultation with producers, make decision and then negotiate with buying companies (exporters). After agreeing on the prices set, written contract was made between Kampaco and private companies/ exporters. In general, Kampot pepper pricing is made by Kampaco

Some companies/exporters buy Kampot pepper directly from producers (who are not members of Kampaco), in this case, contract farming also applied between buyers and individual farmers. In this case, buying companies apply the same price and payment method.



IV. Marketing

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► Case study of Kampot pepper

Along with the management of control and certification, promotion is a core activity of a GI association. Significant efforts and investments were made for the promotion of Kampot pepper with a number of communication tools and promotion material or vents that were developed, including:

- Brochure,
- Video,
- Post cards,
- T-shirts,
- Promotion dinners (or lunches) organized with chefs and media in Phnom Penh and Paris.
- Website: <http://www.kampotpepper.biz/>



IV. Marketing

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➤ Case study of Kampot pepper

Furthermore, KPPA has attended several workshops to share the experience of Kampot pepper as a GI, which has also contributed to the visibility of Kampot pepper, notably in media.

Kampot pepper has benefited of a strong interest of various media, at both national and international level. In the early stages after Kampot pepper registration, events targeting media were organized, such as the promotion dinners or lunches organized with renowned chefs in Phnom Penh and Paris. This has provided some visibility to Kampot pepper. But after (and in some case even before) several media, including international TVs (such as M6, France Television, BBC, CNN and other TV journalists from Austria and Australia) have shot subjects on Kampot pepper. This interest of media was a tremendous contribution to the notoriety of Kampot pepper worldwide, at no cost for KPPA (but the time spent with those media). Nowadays there is still sporadic interest from international media.

V. Enforcement

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➤ Case study of Kampot pepper

a. Establishment of Committee of Infringement of Kampot pepper

- Directorial General Dept of Consumer Protection and Fraud Repression
- Police Economic (MoI)
- Provincial Dpt of Commerce
- DIP, MoC

b. Regional GI Project

Kampot pepper has been registered as a GI in the EU since 2016. It benefits of a high reputation on the EU market (notably in France, where it is quite commonly found in various shops). But it is likely that there are a number of cases of fake Kampot pepper sold. This occupy the market and generate a loss of market opportunities for genuine Kampot pepper.



V. Enforcement

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► Case study of Kampot pepper

GI regional project will mobilise Mrs. Delphine Marie-Vivien (CIRAD) support KPPA with guidelines for enforcement of the protection of Kampot pepper on 2 selected countries in the EU (France + another one to be decided).

The purposes of this short assignment are:

- To improve the understanding of Kampot pepper stakeholders on the mechanism of GI protection and fraud repression in two countries of Kampot pepper exports in EU.
- To provide guidelines, practical recommendations and tools to KPPA to take action in case of suspicion of infringement of the use of Kampot pepper name in the EU.
- To suggest modalities of improvement of traceability and standardized recommendations that Kampot pepper exporters should provide to their clients abroad.

VI. Conclusion

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Kampot pepper GI was establishment and implementation is a successful case, it contributes significantly to improve the livelihood of rural producers, production and processing practices, production and productivity, final product quality, commercialization of Cambodian pepper as well as to strengthen the capacity of producer organization (Agricultural Cooperative) and inter-professional organization managing the GI. Besides, the reputation of Kampot pepper quality abroad attract more and more tourists to come and visit the area leading to a development of tourist facilities such “Pepper Road”, hotels, demonstration farms, and boutiques...



THANK YOU!

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