

Opportunities and challenges for creating common regional standards and GI

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Standards

- A standard is a document, established by a consensus of subject matter experts and approved by a recognized body that provides guidance on the design, use or performance of materials, products, processes, services, systems or persons.

- **Aims of standardization**

to make a product, process or service fit for its purpose, controlling variety by using the optimum number of types or sizes, ensuring compatibility of various products, health, safety, protection of the environment, etc.

Standardization and its benefit

- Standardization is the process of creating standards to guide the creation of a good or service based on the consensus of all the relevant parties in the industry.
- Some of the parties involved in the standardization processes include users, interest groups, governments, corporations, and standards organizations.
- The standards ensure that goods or services produced in a specific industry come with consistent quality and are equivalent to other comparable products or services in the same industry.
- Ensures the safety, interoperability, and compatibility of goods produced.
- Make trade between countries easier and fairer because the same specifications are adopted for use in different countries as national or regional standards.

Principle of standardization

- Consensus
- Involvement of all stakeholders
- Openness to the public
- State of the art
- Coherence of standards collection

Standards Preparation Stages

- 1. Preliminary stage
- 2. Proposal stage
- 3. Preparatory stage
- 4. Enquire stage
- 5. Approval stage
- 6. Publication stage

Standards as per Food Acts and Regulation of Nepal

Cardamom (Amomum) : dried, nearly ripened *Amomum subulatum* Roxb family fruit in capsule form.

Specification

External matters such as flower part, stem pieces and other external matters- maximum 5% w/w bases

Volatile oil in the seeds inside the capsule- minimum 1 % v/w

No external color added

Food standards in Nepal

Indian standards IS 1907

Specification of Cardamom Amomum Powder as per Food Act

- Moisture — 15% maximum by weight
- Total ash — 8 % maximum by weight
- Volatile oil — 1% maximum by volume
- Ash insoluble in dilute HCl — 3% maximum by weight

Geographical indication

- Darjeeling tea
 - Chocolates, watches, and knives from Switzerland
 - Whisky from Scotland
 - Champagne from France.
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- An additional value is paid to those products because of their origin in a particular geographical region carrying special qualities and a reputation.
 - In international trade, they are recognised and protected as a form of intellectual property, called geographical indications (GI).

International norms

- **Paris Convention for the Protection of Industrial Property (1883)**
- Madrid Agreement on Indications of source 1891
- Madrid Agreement Concerning International Registration of Mark 1891
- Lisbon agreement 1958
- Geneva Act of the Lisbon Agreement on Appellation of origin and Geographical indications and Regulations under the Geneva Act of the Lisbon agreement.
- The WTO Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS) Section 3 Article 22 and 23

Definitions

- “Geographical indications” (“GIs”) are defined at Article 22(1) of the World Trade Organization’s (WTO) 1995 Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS) as “indications which identify a good as originating in the territory of a Member, or a region or locality in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographic origin.”

Developing a GI scheme involves a number of important steps, such as:

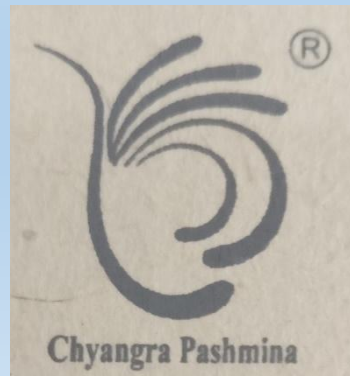
- identifying the product's characteristics and assessing whether it has potential in internal or external markets;
- strengthening the cohesion of the group of producers and other operators involved, who will be the pillars of the GI scheme;
- setting up standards, sometimes called a code of practice or regulations of use;
- devising a mechanism to effectively attribute the right to use the indication to any producer and other operator concerned who produces the product within the established boundaries and according to agreed standards;
- Establishing conformity assessment scheme;
- devising marketing strategies;
- obtaining legal protection for the GI and designing an enforcement strategy

How are geographical indications protected abroad?

There are four main routes for protecting a GI abroad:

- by obtaining protection directly in the jurisdiction concerned;
- through the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration;
- through the Madrid System for the International Registration of Marks (in which the GI concerned is protected in the country of origin as a collective or certification mark); and
- by concluding bilateral agreements between States or commercial partners.

Examples of Certification Trademarks



Standardization

Opportunities

- Speeding up harmonization of standards
- Enhancement in intra regional trade
- Enhancement in international trade
- Coordination among stakeholders

challenges

- Harmonization of standards
 - Technical issues
 - Resources constrain
 - Coordination among stakeholders intra and international
- Implementation of harmonized standards

Geographical Indication

Opportunities

- Trade expansion
- Strengthening of capacity
- Protection product identity
- More products will come in line
- Improvement in infrastructure
- Development of rural area
- Protection of national and regional products
- Enhancement in cooperation among South Asian Countries.

Challenges

- Complexity of process
- Divergence within the region
- Coordination among stakeholders
- Enforcement
 - Protection of GIs
 - Misleading of GIs and deceptive practices
 - Legal infrastructure

Thank you for your attention