Industrial and handicraft GIs applications in France

INSTITUT NATIONAL
DE LA PROPRIÉTÉ
INDUSTRIELLE

Indications géographiques

Industrial and handicraft GIs in France

- **<u>Denominations have become generic</u> :**

Boom of products produced abroad at low cost

Unfair competition

- **<u>Difficulties for local producers</u> :**

Decrease of local production and knowledge

Disappearance of local producers

➔French administration was requested to settle a protection system for Geographical Indications of non-agricultural products

GIs – An official sign of quality

For consumers:

- They get a state guarantee about the authenticity of a specific product
- They can give a sense of responsability to their expenses

For producers:

- They increase the added value of their products thanks to an official label
- They get better protection again unfair competition and forgery

For the state and local authorities:

- Local heritage get protected
- Opportunity to revitalize a region and maintain or even develop employment

GIs – Public international law on GIs

- Geographical indications are **place names** used to identify products that come from these places and have **qualities**, **notoriety** or **specific characteristics** attributable to these places.

- Geographical indications highlight a **link** between a **product** and the **place** from which it is originating.

GIs – The homologation procedure

The GIs procedure main characteristics:

- **fast** : between 1 and 2 years maximum

The government wanted to impose fixed delays within the procedure for better efficiency

- **economic** : **350 euros** for appliants for unlimited protection

The government wanted really cheap costs for producers, who are very often very little economic entities

GIs – The homologation procedure

The specifications mandatory mainly content:

- Name of GI and concerned product
- The delimitation of the geographical area
- Identity of the producers association
- Legal status of the association
- List of producers

GIs – The homologation procedure

The specifications mandatory content:

- The demonstration of the link between the product characteristics and the particular area : this particular point shows if the product can be considered to be eligible for a Gi or not
- The manufacturing process
- Procedures for the controls: frequency, methods of assessment, monitoring of critical control points

GIs – The database

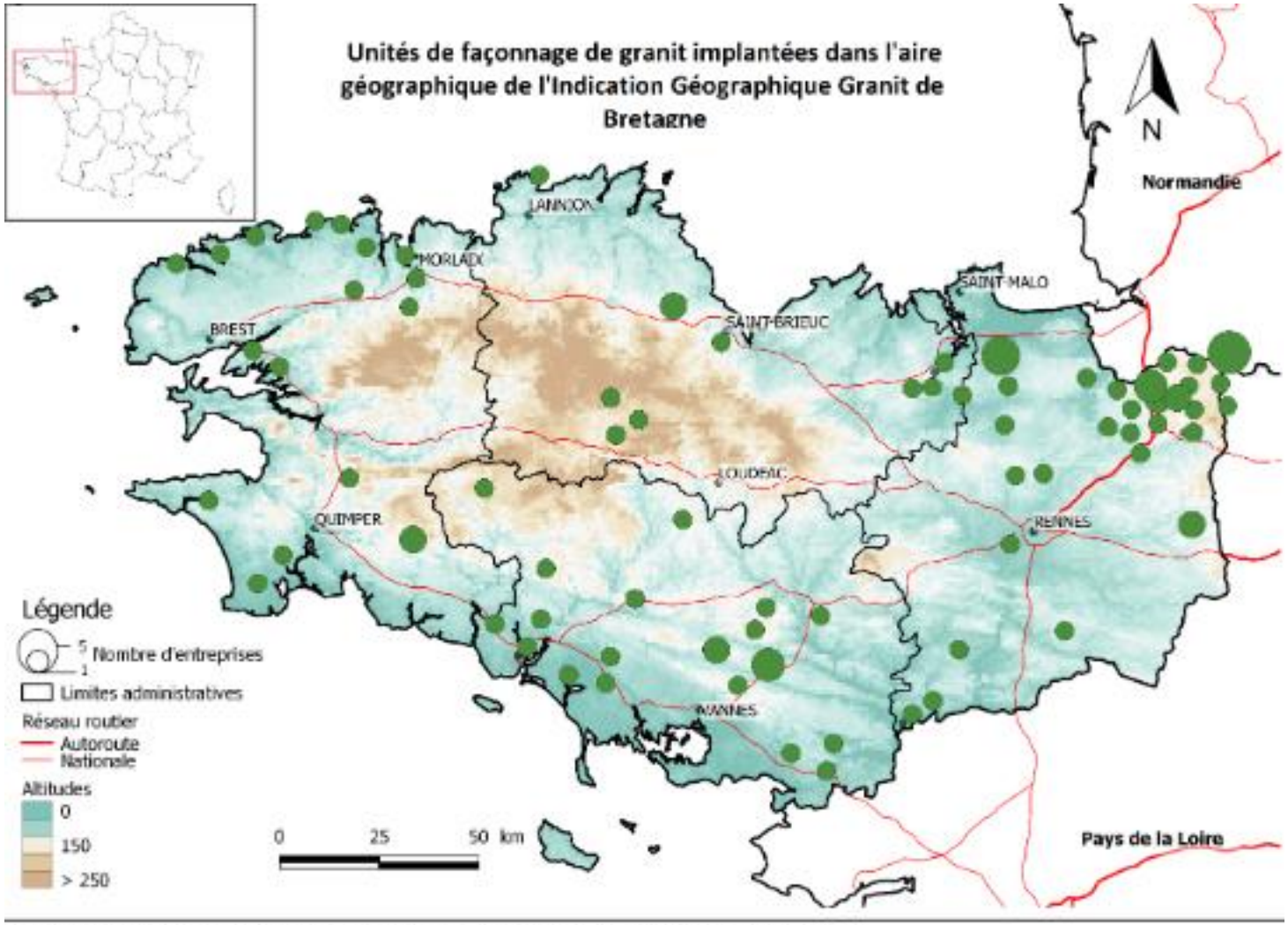


Fig. 3 - Source : association Indication Géographique Granit de Bretagne

GIs – The homologation procedure

- **Online application only by the producer association**
- **Administrative examination phase by IP office: 2 months maximum, for legal requirements checking**
- **Technical specifications are transmitted to the patent engineer specialised in this particular field**
- **When pending demand is complete, public phase, with publications and an online public inquiry, opened to everybody (2 months): consumers, competitors and local authorities**

  e. g. for Marseille soap: 7000 observations received, mainly adressed by consumers.

GIs – GI homologation

- **After the public inquiry, INPI can suggest modifications to the producers association**
- **The producers association is free to respect or not what french IP Office asks for...**
- **… but IP office is free to homologate or not the Gis application**
- **Finally : administrative decision: homologation or reject of the GI application. Possible appeal in Appeal Court**
- **Official publication of the homologation, which recognizes that the producers association is responsible of the GI**

GIs – After homologation :

- **Regular controls of all producers are made by a certification body : officially accredited organizations**
- **This third part inspects the producers**
- **They write a inspection rapport and mention every point in disconcordance with the specifications**
- **Rapport is sent to the producers association and INPI**
- **In case of disconcordance, the producers association must ask the producers to modify his fabrication process within a fixed delay to respect the specification**

GIs – After homologation :

- **If the faulty producer does not modify his process, it has to be excluded by the producer association**
- **All inspection documents must be transmitted within the delay of one month to the french IP Institute**
- **INPI can retire GI homologation if the producers association does not respect legal obligations and if controls are not fully satisfying**

GI – The homologation procedure

- The logos chosen by Economy Ministry:

GI – The protection provided

Same level of protection as in the European regulation (EU) No 1151/2012 for agricultural products and foodstuff:

Wider protection than for trademarks, extended to evocations

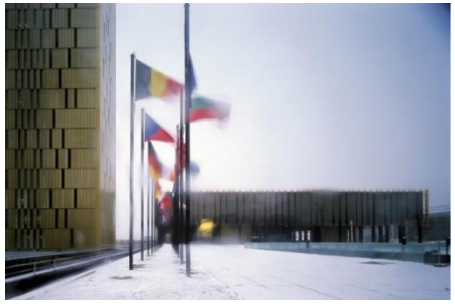
Civil responsibility provided under the code of intellectual property

Criminal responsibility provided under the code of consumption

GI – 5 years later, first record

- 18 applications filed, including 4 for Marseille soap

- 12 GIs registrated:



GI – 5 years later, first record

- **3 applications were rejected:**
  - **Mauléon espadrille: soles were considered as simple raw material, and imported from Asia. Nonetheless, INPI estimated that the sole confection process was an essential characteristic of the shoe.**
  - **2 applications for Marseille soap, potentially made in whole France from animal grease, and covering solid, liquid and pasty soap. But Marseille soap is traditionally made only from vegetable fat, and only a solid soap.**

    IP office had his first GI litigation in Paris Appeal Court in october 2017

GI – 5 years later, first record

- 12 applications were registrated:
- **Siège de Liffol:** a symbol of French luxury base in north-east
- 18 companies and 165 municipalities involved
- A turnover of € 36 millions
- Leading provider of luxury hotels worldwide

GI – 5 years later, first record

- **Granite de Bretagne:**
- 19 companies on 4 departments
- A turnover of € 60 millions

GI – 5 years later, first record

- **Limoges porcelain:**
- 27 companies on 1 department
- A turnover of € 72 millions
- 843 workers implied

GI – 5 years later, first record

- **Burgundy stone:**
- 27 companies on 4 departments
- A turnover of € 46 millions
- 436 workers implied

GI – 5 years later, first record

- **Perpignan garnet:**

- 13 companies on 1 department

- A turnover of € 1,5 millions

- 43 workers implied

GI – 5 years later, first record

- **Aubusson tapestry and carpets:**
- 8 companies
- A turnover of € 5 millions
- 60 workers implied

GI – 5 years later, first record

- **Charentaises de Charente-Périgord:**
- 5 companies
- A turnover of € 5 millions
- 210 workers implied

GI – 5 years later, first record

➢ **Rhône-Alpes marble stone,**

- 7 companies,
- A turnover of € 8 millions,
- 80 workers,

GI – 5 years later, first record

➢ **Grasse country perfume,**

- 7 companies,

GI – 5 years later, first record

- **Arudy Stone,**

- 8 companies,
- A turnover of € 4 millions,
- 42 workers,

GI – 5 years later, first record

➢ **Basque linen,**

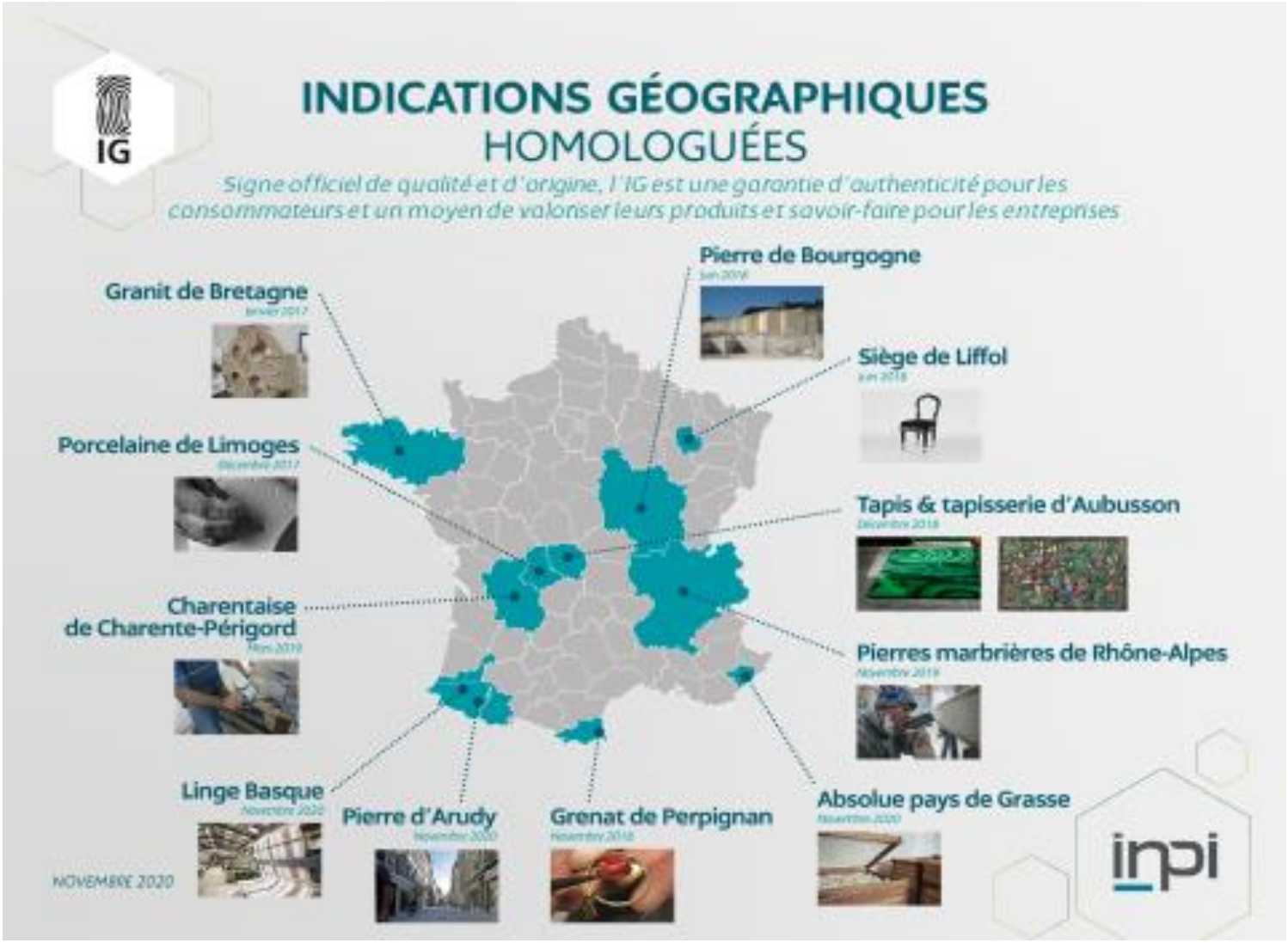
- 3 companies,
- A turnover of € 4 millions,
- 40 workers,

GI – 5 years later, first record

Somes more files to come:

- Vannerie de Fayl-Billot
- Santons from Provence
- Laguiole knives

GI – 5 years later, first record



GI – Conclusion : the INPI challenges

- Overcome the conflicts between different producers associations who want to manage the GI

- As GIs law is new and in absence of case law INPI has to:

  - ✓ create a new administrative practice

  - ✓ find an equilibrium between efficiency for producers and equity in decisions

- Create a notorious brand with this new label

Thanks for your attention !

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