Index

Abenomics, 518–19
Act for the Protection of the Names of Designated Agricultural, Forestry and Fishery Products and Foodstuffs (GI Act) (Japan), 508–9, 510–14
ICH and, 518–29
scope of protections, 512
Adan Kayan rice, 501–6
adat communities, in Indonesia, 495–96
Administration of Quality Supervision, Inspection, and Quarantine (AQSIQ) system, 387–90
Agreement of Trade-Related Aspects to Intellectual Property Rights (TRIPS) appellations of origin in, 442–45
Bangladesh and, 439–40, 450
GI Act of 2013 and, compatibility with, 448–54
EU violations of, 171–72
GATT and, 39
geographical origins protections under, 30–33
GIs and, 6, 7, 12–14, 40–41, 87–88, 441–44 definitions of, 52–54, 126
in EU, 190, 195
minimum requirements for, 151
reputation-based, 24–25
India and, 341
Inter-American Convention and, 216
ISDS and, 180
levels of protections in, 128–29
Malaysia and, 281, 288
Singapore under, 240
Sri Lanka under, 411–12, 413
sui generis systems and, 449
Taiwan and, 359–61, 364–65, 370–71

teëroir under, 64–65
trademarks under, 141
conflicts between, 134–35
definitions of, 453
under WTO law, 180
Agreement on Technical Barriers to Trade (TBT), 171–72
Agricultural and Processed Food Products Export Development Authority (APEDA), 355–56
agricultural products. See also coffee production; non-agricultural products and handicrafts; wine labeling
in India, 337, 340–41
APEDA certification, 355–56
MOA practice for, 393
in Southeast Asia, from plantations, 97–102
AGWA Act. See Australian Grape and Wine Authority Act
AIGs. See authorities for industry and commerce
AIPP. See Asian Indigenous Peoples’ Pact
Algeria, 196
Alphonso mango, 354–57
alternative food networks, 118
Ambalangoda masks, 428–30
American Viticultural Areas (AVAs), 64
Anti-Unfair Competition Law (China), 395
AO. See Appellation d’Origine
AOC. See Appellation d’Origine Contrôlée
APEDA. See Agricultural and Processed Food Products Export Development Authority
Appellation d’Origine (AO), 44–45, 62
Appellation d’Origine Contrôlée (AOC), 44–45

530
appellations of origin
in Geneva Act, 441–42
in Lisbon Agreement, 23–27, 441–42
in TRIPS, 442–45
in Vietnam, 314, 320
AQSIO system. See Administration of Quality Supervision, Inspection, and Quarantine system
Argumedo, Alejandro, 120
Arunachal Pradesh state, biocultural diversity in, 107–9
ASEAN. See Association of South-East Asian Nations
ASEAN-Australia-New Zealand Free Trade Agreement, 285–86
Asia, GIs in. See also Southeast Asia; tea production
marketing of, 91
MICOs in, 88–89, 90–92, 113–20
alternative food networks and, 118
gender equity in, 116, 117–18
protections frameworks for, 211, 230–33
in bilateral agreements, 192–94
under EU trademark law, 198–208
in international multilateral agreements, 194–97
non-proprietary, 208–10
scope of, 191–92
purpose of, 186
registration of, 190–91
TCEs in, 88
TEK in, 88
Asian Indigenous Peoples’ Pact (AIPP), 100–1
association of producers and communities, 520–25
Association of South-East Asian Nations (ASEAN)
ASEAN-Australia-New Zealand Free Trade Agreement, 285–86
Geneva Act and, 142–43
GI protections among, 17
multilateral aspects of, 151
Australia. See also wine GIs, in Australia
AGWA Act in, 262–63, 271–72
enforcement procedures under, 264–67
ASEAN-Australia-New Zealand Free Trade Agreement, 285–86
EU and, trade agreements with, 166
GIs in, 149, 164
boundary setting for, 263
costs of, 267–68
enforcement of, 266–67
perceptions of, 268–72
regional benefits of, 272–74, 279
PDOs in, 269–70
PGIs in, 269–70
terroir in, 63, 104
under TPP Agreement, 156
wine making in, 260–66
terroir and, 63, 164
Australian Grape and Wine Authority (AGWA) Act, 262–63, 271–72
enforcement procedures under, 264–67
Australia-United States Free Trade Agreement, 279
authenticity, in ICH, 483, 525–27
authorities for industry and commerce (AICs), 587
AVAs. See American Viticultural Areas
ayllu (holistic territorial approach to life and development), 120
Banarasi sarees, 333–35, 347–50
Bangladesh, GIs in
definition of, 448–49
Fazli mango, 447
under GI Act of 2013, 440–41, 459–60
development history for, 446–48
infringement actions, 451–52
protections under, 449–52
registration strategies under, 451
TRIPS and, compatibility of, 448–54
IPRs and, 453–54
Jamdani, 440–41, 447
historical value of, 456–57
as traditional knowledge, 455–59
NakshiKantha, 447
protections for, 449–52
Jamdani as traditional knowledge, 455–59
rationale for, 444–48
terroir and, 455
trademarks and, 452–54
TRIPS and, 439–40, 450
GI Act of 2013 and, compatibility of, 448–54
Basmati rice, 230–32
Basole, Amit, 487–88
Beeralu lace, 430–31
Besky, Sarah, 92
bilateral trade agreements
Asia GIs and, 192–94
EU GIs and, protection frameworks for, 192–94
bilateral trade agreements (cont.)
for wine making, 192–93
ISDS clauses and, 181–82
bilateral trade and investment agreements
(BTIAs)
with EU, 169–70
under TFEU, 169
ISDS and, 178
WTO law and, 178
biocultural diversity
in India, 107–9
in Arunachal Pradesh state, 107–9
MICOs and, 119
in Southeast Asia, 96–113. See also swidden agriculture
on agricultural lands, 100
under CBD, 103–4
ecosystem services and, 102–5
on forest lands, 100
livelihood security and, 102–5
biocultural rights,
through community protocols, 119–20
of indigenous farmers, 119–20
collective marks and, 120
of indigenous peoples, 119–20
biomass, in swidden agriculture, 98, 103
border enforcement, under GI Act 2014, 246
Bosnia, 196
Brazil, ICH in, 508
BTIAs. See bilateral trade and investment agreements
Bulgaria, 196
Burkina Faso, 196
Calboli, Irene, 38, 65, 163–64, 188
Cambodia, swidden agriculture in, 99–100
Canada-EU Trade Agreement (CETA), 157–58, 169
carbon stocks, in swidden agriculture, 98, 102
case studies
in India, 344–57
Alphonso mango, 354–57
Banarasi sarees, 333–35, 347–50
Darjeeling Tea, 351–54
Kashmir Pashminas, 350–51
in Vietnam, 320–27
Hả Long fried calamari, 321–24, 330
Lang Sơn star anise, 324–27
CBD. See Convention on Biodiversity
certification marks, 137–38
for Cognac, 135–41
defined, 252
CETA. See Canada-EU Trade Agreement
Ceylon Cinnamon, 423–24
Ceylon Sapphires, 425–26
Ceylon Tea, 409–10, 421–23
SLTB and, 422–23
champagne, under sui generis regime,
122–23
Chauvel, Richard, 492–93
Chew, Daniel, 502
Chile, Malaysia-Chile Free Trade Agreement,
285–86
China, GiS in
AICs and, 387
under Anti-Unfair Competition Law, 395
approval of, 389
collective marks, 385–87
control and supervision of, 390
examination of, 389
historical development of, 380–81
international protections for, 405–6
for domestic right holders, 405–6
for foreign right holders, 406
Lang Sơn star anise, 326–27
under Law on Protection of Consumer Rights and Interests, 395
legal considerations for, 404–8
administrative appeals in, 406–8
international protections, 405–6
through judicial review, 406–8
trademark law and, hierarchy for,
404–5
under Lisbon Agreement, 405
under Madrid Agreement, 405–6
under Paris Convention, 380–81
producer applications for, 390
under Product Quality Law, 395
protections of, 320–33, 381, 390–91, 396–402
through enforcement procedures, 390–91
for foreign products, 391
legislative history for, 382–84
under SAIC, 380–81
under trademark system, 381–87
registration procedures for, 389, 403–4
Index
under *sui generis* regimes, 387–91, 392–94, 402–4. See also Ministry of Agricultural Practice
AQSIO system, 387–90
costs of, 403
exclusive rights, 403–4
PPGIP system, 388–9, 390–91
trademarks in conflict with, 400–2
under TM Law 1993, 382–83
under TM Law 2013, 387, 397, 399, 400–1
trademark system in, protections through, 381–87, 402–4
conflicts between, 396–400
costs of, 403
enforcement of, 387
exclusive rights, 403–4
legislative history for, 382–84
registration for, 385–87
Chromy, Josef, 277–78
Civil Code of Vietnam, 320
CJEU. See Court of Justice of the European Union
Cleary, Jen, 149, 261
coffee production
in Ethiopia, 75–80
as export, 80
geographic certification and, 77–79
history of, 79–80
in Indonesia, 491
labeling in, 75–80
in PNG, 84–86
infrastructure for, 84
labeling schemes for, 84–85
non-traditional sources of, 85
Starbucks and, 75–80
single-origin coffees and, 77–80
trademark registrations and, 75–80
Cognac, certification marks for, 138–41
collective action
with India GIs, 345
with Vietnam GIs, 310, 331
collective goodwill, trademarks and, 137–38
collective marks, 62, 120, 139
Darjeeling Tea as, 203–4
defined, 252
EU GIs and, 202–4
in Vietnam, 328–29
collective trademarks, in Taiwan, 372–73
common law, trademarks under, 137–41
collective goodwill under, 137–38
“first-in-time, first-in-right” approach to, 137
in United States, 138
Community Trade Mark Regulation (CTMR), 201–2, 204
conflict palm oil, 113
Consortium for Common Food Names, 248–49
Consumer Protection Act 1999 (CPA 1999) (Malaysia), 287, 301
consumer protections, in Sri Lanka, 415–17
contemporary reputation-based GIs, 55–56
property rights under, 462
purpose of, 467–68
Representative List in, 468–69
Convention on Biodiversity (CBD), 103–4
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005), 21
Coombe, Rosemary, 487–88, 521
Costa Rica, 196
Court of Justice of the European Union (CJEU)
EU-Singapore Free Trade Agreement ratification by, 255
Greek Yoghurt case, 42, 43, 209
IP protections and, 176–77
reputation-based GIs and, 42–43
trademark law cases, 198–201
Cowen, Tyler, 74
CSICH. See Convention for the Safeguarding of the Intangible Cultural Heritage
CTMR. See Community Trade Mark Regulation
Cuba, 196
culinary diplomacy, 477
culinary practices, definitions of, 475
cultural diversity
criteria for, 471–72
culinary practices and, 474–83
Kimjang, Making and Sharing Kimchi in the Republic of Korea, 478–83
Mediterranean Diet, 474–77
GIs and, 469–74
ICH and, 469–74
law’s impact on, 469–74
cultural diversity (cont.) safeguarding of, 484 UNESCO and, 470–71 customary law communities, 490–91 Czech Republic, 196 Czechoslovakia, 196 Darjeeling Tea, 92–96, 232–33, 351–54 as collective mark, 203–4 cultural impact of, 93 fair trade and, 93–94 political marginalization and, 95–96 female workers and, 94–95 production techniques for, 92–93 Database of Origin and Registration (DOOR), 41 PDOs in, 171 PGIs in, 171 TSGs in, 171 deceptive trademarks, 200 deforestation, in Southeast Asia, 97–102 through palm oil production, 97–99 Democratic Republic of the Congo, 196 denomination of origin, 441–42 dereism, defined, 362 dereistic policies, in Taiwan, 362–67 as IP-centred, 363 negative protections in, 365–67 positive protections in, 365–77 trademarks in, 365–65 design registration, in India, 61 Desseauve, Thierry, 63 developing countries. See also geographical indications farmers in economic rents for, 74 in Ethiopia, 75–80. See also coffee production in India, 80–83. See also Feni liquor labeling practices for, 73–86 in PNG, 84–86. See also coffee production under sui generis systems, 74 development. See economic development; social development Directorate General of Intellectual Property Rights (DGIP), 500–1 dispute settlement understanding (DSU), 178 DOOR. See Database of Origin and Registration Drahos, Peter, 149

Index

DSU. See dispute settlement understanding
Dumbara mats, 427–28
Dusong, Jean-Luc, 205–6, 207
Duffield, Graham, 487
EC. See European community
ECHRR. See European Convention on Human Rights
economic development
GIs for, 15–22 in Indonesia, through GIs, 485–88 in Taiwan, through GIs, 377–79 ecosystem services, swidden agriculture and, 102–5 ECtHR. See European Court of Human Rights
Eghenter, Cristina, 502
Equal Exchange, 95–96
Ethiopia
coffee production in, 75–80 as export, 80 geographic certification and, 77–79 history of, 79–80 farmers in, 75–80 Starbucks in, 75–80 trademark registrations in, 75–80 EU. See European Union
EU-Canada Comprehensive Trade Agreement, 14
European Commission
on GI protections claims, 65–66 on PDOs, 68 on PGIs, 68
European community (EC)
GATT and, 39 reputation-based GIs recognized by, 51–54
European Convention on Human Rights (ECHR), GIs under, 175
European Court of Human Rights (ECtHR), GIs protections and, 175–76
European Union (EU). See also geographical indications, in EU
Australia and, trade agreements with, 166 BTIAs and, 169–70 GATT and, violations of, 171–72 IP in under BTIAs, 169–70 ISDS and, 169–70 under TFEU, 169 under NAFTA, 170
New Zealand and, trade agreements with, 166

Downloaded from https://www.cambridge.org/core. IP address: 54.191.40.80, on 21 Sep 2017 at 11:46:50, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781316711002
PDOs in, 168, 189
   in DOOR, 171
PGIs in, 168, 189
   in DOOR, 171
reputation-based GIs in, as multilateral compromise, 51–54
under TPP, 170
trademark regulations in, 133
TRIPS and
   GIs and, 190, 195
   violations of, 171–72
TSGs in, 168, 189
   in DOOR, 171
under TTIP, 169, 212
European Union-Singapore Free Trade Agreement (EUSFTA), 286
EU-Singapore Free Trade Agreement, 166–67, 169, 247–49
CJEU ratification of, 255
   establishment of, 235
   purpose of, 235
EU-South Korea Free Trade Agreement, 169, 192, 193–94
EU-Vietnam Free Trade Agreement, 169, 305
   “evocation” imitation and, 191
Examination Guidelines of 2007 (Taiwan), 371–75
Fair and Equitable Treatment (FET), 181
Fair Trade Act (Taiwan), 360–61
fair trade label, 72
   for Darjeeling Tea, 93–94
   political marginalization in production of, 95–96
Fair Trade Labelling Organizations International (FLO), 95
Fair Trade USA, 95–96, 117–18
fallow periods, in swidden agriculture, 103, 104
farmers. See also coffee production
   in developing countries
   economic rents in, 74
   in Ethiopia, 75–80. See also coffee production
   in India, 80–83. See also Feni liquor
   labeling practices for, 73–86
   in PNG, 84–86. See also coffee production
   under sui generis systems, 74
   indigenous, in Southeast Asia, 101–2
   subsistence, women as, 109
Fazli mango, 447
female genital mutilation, 467
Feni liquor, 80–83
   GI application for, 81–83
   production of, 81
   types of, 81, 82
FET. See Fair and Equitable Treatment
   “first-in-time, first-in-right” approach, 137
FLO. See Fair Trade Labelling Organizations International
foodstuffs, in India, 337
forest lands, in Southeast Asia, 100
FPIC principles. See Free, Prior and Informed Consent principles
France
   GIs in, 10–12
   INAO regulation of, 219
   wine labeling laws, 10–11
   Lisbon Agreement and, 196
   terroir and, 62–63, 122–23
   wine making in, 62–63
Free, Prior and Informed Consent (FPIC) principles, 108–9
   of indigenous peoples, 119–20
free market economies, terroir in, 136
free trade agreements (FTAs). See also mega-regional trade agreements; Trans-Pacific Partnership
   bilateral, 152
   expansion of, 151
   GIs and, 4–5, 14–15, 17–18
   status of play, 14
   Guatemala and, 178–79
   international, 14
   ISDS and, 185
   Malaysia in, 285–86
   multilateral, 151
   Peru and, 178–79
   policy approaches to, incompatibilities between, 158–65
   local law as factor in, 160
   terroir and, 159
   with US, 222
   under WTO law, 178–79
From Modern Production to Imagined Primitive: The Social World of Coffee from Papua New Guinea (West), 84
FTAs. See free trade agreements
Gabon, 196
Gangjee, Dev, 24, 137, 508, 526
gastrodiplomacy, 477
GATT. See General Agreement on Tariffs and Trade
gender equity, in MICOs, 116, 117–18. See also women
gendered labour. See also women in Southeast Asia, 109–13
General Agreement on Tariffs and Trade (GATT)
EU violations of, 171–72
TRIPS and, 39
General Inter-American Convention for Trademark and Commercial Protection (Inter-American Convention), 212–24
geographical terms in, 216, 219
 GI protections under, 229–30
in Latin America, 221–22
long-term influence of, 221–24
objective of, 220–21
purpose of, 214–15
as self-executing treaty, 223
signatory countries, 214
standard-setting by, 218–19
TRIPS and, 216
unfair competition protections in, 216–17, 218
US Trademark Act and, 213, 220
generic names. See names
genericide
defined, 131
Geneva Act prohibitions against, 132, 135
IP and, 131–32
Lisbon Agreement and, 131–32
 sui generis systems and, 132
Geneva Act of the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration (Geneva Act), 4–5, 26–27. See also trademarks
appellations of origin in, 441–42
ASEAN countries and, 142–43
development of, 122–26
future of, 141–43
genericide prohibition in, 132, 135
GIs under
definitions of, 40–41
in EU, 197
levels of protections under, 128–29
maintenance fees under, 129
OAPI and, 141
registration-related issues, 129–31
reputation-based GIs under, 40–41
 sui generis systems under, 142
terminological issues, 126–27
terroir and, 64–65, 123
TPP and, 143
WIPO and, 122
geographical collective trademarks, 375–76
Geographical Indication (Registration and Protection) Act 2013 (GI Act 2013) (Bangladesh), 440–41, 459–60
development history for, 446–48
infringement actions, 451–52
protections under, 449–52
registration strategies under, 451
TRIPS and, compatibility with, 448–54
Geographical Indication of Goods (Registration & Protection) Act of 1999 (GI Act) (India), 344–45, 346
Geographical Indication of Goods (Registration & Protection) Rules of 2002 (GI Rules) (India), 344
geographical indications (GIs). See also
Geneva Act of the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration; Lisbon Agreement; reputation-based GIs
ASEAN and, 17
in Australia, 149, 164
as badge of accountability, 18–19
benefits of, 15–22
under common law, 135–43
in free market economies, 135–37
trademarks and, 157–41
consumer information through, 19–21
culinary cultural practices and, 462–63
cultural diversity and, 469–74
defined, 25–26, 36–37
delocalized model of production and, 23
denomination of origin, 441–42
diverse stakeholders and, 89–90
under ECHR, 175
for economic development, 15–22
for Feni liquor, application for, 81–83
under French laws, 10–12
wine labeling laws, 10–11
FTAs and, 4–5, 14–15, 17–18
status of play, 14
generic names and, 13
global debates on, 3–4, 8–15
expansion of, 9–10, 34
geographical origins protections, 11–12
Index

Index

global reputations of, 159

green, 118–19

indication of source, 441–42

IP regimes and, 37

ISDS and, 180–84

limitations of, 90–91

Lisbon Agreement and, 6, 23–24

local reputations of, 159

as marketing tool, 28–29

in Asia, 91

PDOs, 25–26, 37

PGIs, 25–26, 37, 62

as policy tool, 86

poorly designed, 89

prices influenced by, 124

problems of, 15–22

production focus of, 124–25

promises of, 15–22

as property, 175–78

purpose of, 123–24

registries for, 5, 18

in EU, 190–91

in Asia, 190–91

terroir and, 24–25

rural development and, 259

scope of, 62

for social development, 15–22

sui generis systems and, 5, 9–10

terroir and, 62–65

in France, 62–65

third-party use of, 29

traditional knowledge compared to, 165

TRIPS and, 6, 7, 12–14, 24–25, 40–41, 87–88, 441–44

definitions of GIs under, 52–54, 126

minimum requirements for GIs, 151

under UNESCO framework, 21

Western interests and, 9

WIPO and, 37

WTO and, 4, 36–37

EU violations of, 168, 171–72

member requirements for, 12

protections for GIs, 12

geographical indications (GIs), in EU, 165–67

Asia and, protection frameworks for, 211

in bilateral agreements, 192–94

under EU trademark law, 198–208

in international multilateral agreements, 194–97

non-proprietary, 208–10

scope of, 191–92

cultural factors in, 187–89

economic factors in, 187–89

increased costs of GI products, 188

under EU trademark law, 198–208

collective marks, 202–4

geographical term use, 198–201

protection as trademark, 198–201

registration of, 198–201

scope of protections, 201–2

“evocation” and, 191

under Geneva Act, 197

incompatibilities in, 167

legal factors in, 187–89

under Lisbon Agreement, 196–97

under Madrid Agreement, 195–96

under Paris Convention, 194

PDOs, 168, 189

PGIs, 168, 189

product specifications for, 171–75, 185

as property, 175–78

protection frameworks for, 189–97, 226, 227–28

in bilateral agreements, 192–94

comparisons to US, 224–25

in international multilateral agreements, 194–97

non-proprietary, 208–10

scope of, 191–92

registered names and, protections of, 210

registries for, 38

under Regulation 1151/2012, 189–91

under Regulation 2011/92, 189–91

TRIPS and, 190, 195

TSGs, 168, 189

WTO and, 168, 171–72, 190

geographical indications (GIs), protections of, 65–70. See also protected geographical indications

in Asia, 211, 230–33

in bilateral agreements, 192–94

under EU trademark law, 198–208

in international multilateral agreements, 194–97

non-proprietary, 208–10

scope of, 191–92

in Bangladesh, 449–52

for Jamdani, as traditional knowledge, 455–59

rationale for, 444–48

in China, 230–33, 381, 390–91, 396–402

through enforcement procedures, 390–91
geographical indications (GIs) (cont.)
  for foreign products, 391
  international, 405–6
  legislative history for, 382–84
  under SAIC, 380–81
  under trademark system, 381–87
EC claims on, 65–66
in ECtHR cases, 175–76
in EU
  alternate approaches to, 228–30
  compared to US, 224–28
  generic terms and, 226
  legal approaches to, 227–28
GI prices correlated to, 66
under Inter-American Convention, 229–30
in Japan
  non-proprietary, 209
  scope of, 509
in Kenya, 67
through legal means, 67–69
PDOs and, 68
as policy tool, 86
public beliefs in, 69–70
in Singapore, 237–40, 247–54
  after GI Act (1999), 238–40
  before GI Act (1999), 237–38
  through registration systems, 247–49
  relationships between owners and rights holders, 249–54
in Sri Lanka, 412–21
  through business practice laws, 412–13, 415–17
  through consumer protections, 415–17
  through sui generis regimes, 414–15, 419–20, 434–35
  through trademark law, 413–14, 417–19
in US
  alternate approaches to, 228–30
  compared to EU, 224–28
  history of, 212–14
  legal approaches to, 227–28
  under trademark law, 227–28
  weakness of, 420–21
Geographical Indications Act (GI Act) (1999)
  (Singapore), 235, 237–40
Geographical Indications Act (GI Act) (2014)
  (Singapore), 235–36, 240–46
border enforcement measures, 246
enhanced protections through, 245–46
existing holders under, 250–51
GIs under
  cancellations of, 245
  definitions of, 242
PGI owners under, 250–54
registry establishment under, 244–45
trademarks under, 242
owners of, 251–53
users of signs, 253–54
Geographical Indications Act 2000
  amendment of, 287
  institution of proceedings under, 293–96
PGIs under, 289
registration system under, 289–91
rights and exceptions under, 291–93
geographical origins
  marketing of, 70–73
  appeal of, 70–72
  in developed countries, 71–72
  in developing countries, 71–72
  labeling and, 72–73
  protections for, 11–12, 28–34
  interpretations of, 30–31
  under Lisbon Agreement, 11–12
  under Madrid Agreement for the Repression of False and Deceptive Indications of Source on Goods (Madrid Agreement), 11
  under Paris Convention for the Protection of Industrial Property, 11
  under TRIPS, 30–33
geographical terms
  under EU trademark law, 198–201
  in Inter-American Convention, 216, 219
  in Madrid Agreement, 219
Georgia, 106
Germany
  Ethiopian coffee imported into, 80
  non-proprietary protections of GIs, 210
  reputation-based GIs in, 47–48
  terroir paradigm in, 47–48
GI Act. See Act for the Protection of the Names of Designated Agricultural, Forestry and Fishery Products and Foodstuffs;
Geographical Indication of Goods Act of 1999
GI Act (1999). See Geographical Indications Act
GI Act (2014). See Geographical Indications Act
Index

GI Act 2013. See Geographical Indication (Registration and Protection) Act 2013
GIA Act 2000. See Geographical Indications Act 2000
GIs. See geographical indications

Hã Long fried calamari, 321–24, 330
Haiti, 196
handicrafts. See non-agricultural products and handicrafts
historic reputation-based GIs, 55–56, 58–59, 60
holistic territorial approach to life and development. See ayllu
Howard, Sir Albert, 63
Hughes, Justin, 22
Huizenga, Daniel, 321
human rights, in ICH, 467
Hungary, 196

ICH. See intangible cultural heritage
ICSID. See International Center for Settlement of Investment Disputes
INAO. See Institut National de l’Origine et de la Qualité

India, GIs in
for agricultural products, 337, 340–41
APEDA certification, 355–56
Banarasi sarees, 333–35, 347–50
Basmati rice, 230–32
biocultural diversity in, 107–9
in Arunachal Pradesh state, 107–9
case studies for, 344–57
Alphonso mango, 354–57
Banarasi sarees, 333–35, 347–50
Darjeeling Tea, 351–54
Kashmir Pashminas, 350–51
collective action problems, 345
Darjeeling Tea, 92–96, 232–33, 351–54
as collective mark, 203–4
cultural impact of, 93
fair trade and, 93–94, 95–96
female workers and, 94–95
production techniques for, 92–93
design registration applications in, 61
farmers in, 80–83
for foodstuffs, 337
under GI Act, 344–45, 346
under GI Rules, 344
information asymmetry regarding, 336–37
Laos Som star anise in, 326–27
liquor production in, 84–86
for Feni, 80–83
patent applications in, 61
PDOs, 341–42
PGIs, 338, 341–42
quality for, relevance of, 356–39
under Regulation 510/2006, 340
under Regulation 1151/2012, 189–91, 340
regulations of, 339–43
EU influences on, 339–42
for geographical names, 342–43
under sui generis systems, 339–42
trademark-style protections in, 342–43
US influences on, 342–43
reputation-based GIs in, 59–60
SMOI and, 340–50
Sri Lankan policy influenced by, 432–33
sui generis systems in, 339–42, 445
Tea Act in, 352, 353
Tea Board and, 352–54
trademark registration applications in, 61
traditional knowledge libraries for, 432
under TRIPS, 341
vanity GIs, 335
women’s TEK in, 107–9
indication of source, 441–42
indigenous farmers
biocultural rights of, 110–20
collective marks and, 120
FPIC of, 110–20
in Southeast Asia, 101–2
swidden agriculture and, 101–2

Indonesia, GIs in
Adan Kayan rice, 501–6
adat communities and, 495–96
for coffee production, 491
cultural heritage and, 485–88
customary law communities and, 490–91
decentralization policies for, 488–96, 506–7
economic development and, 485–88
Government Regulation No. 51/2007 in, 498–99
IPR and, 492–95
DGIP and, 500–1

See Geographical Indications Act 2000
Indonesia, GIs in (cont.)
Jepara furniture, 501–6
legal framework for, 496–501
palm oil production and
monocropping and, 112
RSPO certification, 112
smallholder schemes, 111
women’s role in, 109–13
under Plant Varieties Protection Act, 503–4
under Protection of Intellectual Property
Rights of Indigenous Papuans, 493
Trade Marks Act of 2001 in, 496, 498–99
Institut National de l’Origine et de la Qualité
( INAO), 37
establishment of, 219
intangible cultural heritage (ICH)
authenticity in, 493
in Brazil, 508
CSICH and, 21, 461–62, 464–69
property rights under, 462
purpose of, 467–68
Representative List in, 468–69
culinary practices and, 462–63, 474–83
Kimjang, Making and Sharing Kimchi in
the Republic of Korea, 478–83
Mediterranean Diet, 474–77
cultural diversity and, 460–74
culture and, definitions of, 467
definition of, 466
domains of, 465
human rights context for, 467
Indonesia and, 485–88
intergenerational nature of, 465
in Japan, 510–14
association of producers and
communities and, 520–25
authenticity of production process and,
525–27
GI Act and, 518–29
openness of product specification and,
527–29
law’s impact on, 460–74
for traditional culture, 465–66
UNESCO and, 461–62
intellectual property (IP)
in CJEU cases, 176–77
disincentivizing of, 161–62
in EU
under BTIAs, 160–70
ISDS and, 160–70
under TFEU, 169
GIs and, 37
global trade rules for, 150, 160–62
incentivizing of, 161–62
ISDS and, 169–70, 182–83
in Malaysia, GIs as distinct from, 281–82
national treatment principle for, 453
property-style rules for, 162–63
in Taiwan
under dereistic policies, 363
laws for, 359–60
under WTO rules, 162–63
Intellectual Property Act of 2003 (IP Act of
2003) (Sri Lanka), 415–16, 418, 419–20,
426, 428
Intellectual Property Law (IP Law) (Vietnam),
313–14
intellectual property rights (IPR) systems
in Bangladesh, 453–54
in Indonesia, 492–95
DGIP and, 500–1
MICOs and, 120
in Taiwan, 359–60
Inter-American Convention. See General
Inter-American Convention for
Trademark and Commercial
Protection
International Center for Settlement of
Investment Disputes (ICSID), 182
investor–state dispute settlement (ISDS)
in bilateral trade agreements, 181–82
FET and, 181
GIs and, 180–84
BTIAs and, 178
FTAs under, 178–79
TRIPS and, 180
ICSID and, 182
IP and, 169–70, 182–83
NAFTA and, 181–83
plain packaging and, 178
UNCITRAL and, 180–81, 182
WTO and, 178–80, 185
BTIAs and, 178
FTAs under, 178–79
TRIPS and, 180
IP. See intellectual property
2003
IP Law. See Intellectual Property Law
IPR systems. See intellectual property rights
systems
Iran, 196
ISDS. See investor–state dispute settlement
Israel, 196
Italy
geographical origins protections in, 32
Lisbon Agreement and, 196
invalidation of, 197–98
non-proprietary protections of GIs, 209
PDOs in, 174–75
reputation-based GIs in, 60
Ives, Sarah, 521
Jamdani, 440–41, 447
historical value of, 456–57
as traditional knowledge, 455–59
Japan, GIs in
Abenomics and, 518–19
application process for, 514–18
amendments to, 516–17
cancellations in, 517–18
quality control in, 518
refusal of, 515–16
registration as part of, 514–15
GI Act in, 508–9, 510–14
ICH and, 518–29
scope of protections of, 512
ICH and, 510–14
association of producers and communities and, 520–25
authenticity of production process and, 525–27
GI Act and, 518–29
openness of product specification and, 527–29
under Law for the Protection of Cultural Property, 521
monopoly rights and, 522
protections for non-proprietary, 209
scope of, 509
TCE and, 510
TPP and, 512
traditional knowledge and, 510
Jepara furniture, 501–6
Kashmir Pashminas, 350–51
Kenya, GI protections in, 67
Keys, Ancel, 475
Kimjang, Making and Sharing Kimchi in the
Republic of Korea, 478–83
Codex standard for, 481–82
knowledge, traditional, 165
in India, libraries for, 432
Jamdani as, 455–59
in Japan, 510
Kobe beef, 208–9
Kokia, Marina, 50–51
Komesar, Neil, 521
labels, labeling and
in coffee production, 75–80
in PNG, 84–85
farmers and, in developing countries, 73–86
geographical origin marketing and, 72–73
types of, 72
for wine, in France, 10–11
Ladas, Stephen, 213, 215, 220. See also General
Inter-American Convention for Trademark and Commercial Protection
landholders, women as, 109
Lạng Sơn star anise
in China, 326–27
in India, 326–27
as Vietnam GI, 324–27
Lanham Act (US), 140, 342–43
Latin America, Inter-American Convention in,
221–22
Latvia, reputation-based GIs in, 58
Law for the Protection of Cultural Property (Japan), 521
Law of Passing Off (Malaysia), 296–99
Law on Protection of Consumer Rights and Interests (China), 395
Layton, Ron, 78
Lenzerini, Federico, 526
Li, Tania, 109–10
Limburg, Germany, 183
Limburg Grotto Cheese, 183–84
liquor production
for Cognac, 138–41
Feni, 80–83
GI application for, 81–83
production of, 81
types of, 81, 82
in India, 80–83
Lisbon Agreement (1958). See also Geneva Act
of the Lisbon Agreement for the Protection of Appellations of Origin
and their International Registration; trademarks
appellations of origin in, 23–27, 441–42
future of, 141–43
Lisbon Agreement (1958) (cont.)
generic terms under, 133–35
genericide, 131–32
geographical origins protections under, 11–12
GIs and, 6
  in China, 405
  in EU, 196–97
  Geneva Act definitions of, 40–41
  invalidation of, 197–98
  level of protections under, 127–29
  maintenance fees under, 130–31
  national parties to, 125
  original member states of, 196
  registration-related issues, 129–31
  reputation-based GIs under, 23–24, 45
  Geneva Act, 40–41
  scope of protections under, 196–97
  Sri Lanka under, 410–11
  terminological issues, 126–27
  terroir under, 64–65
  travaux in, 127
  usurpation in, 127
  Vietnam GIs under, 313
  livelihood security, 102–5
  Loong, Lee Hsien, 255–56
Macedonia, 196
Madrid Agreement for the Repression of False and Deceptive Indications of Source on Goods (Madrid Agreement), 11, 195
China and, 405–6
  geographical terms in, 219
  Sri Lanka under, 410–11
  maintenance fees, for trademarks
  under Geneva Act, 129, 130–31
  under Lisbon Agreement, 130–31
  under PCT, 130
Malaysia, GIs in
  applications for, 282–83
  ASEAN-Australia-New Zealand Free Trade Agreement and, 285–86
  CPA 1999 in, 287, 301
  for cultural heritage, 285
  establishment of, 281–84
  EUSFTA and, 286
  in FTAs, 285–86
  amendment of, 287
  institution of proceedings under, 293–96
PGIs under, 289
  registration system under, 289–91
  rights and exceptions under, 291–93
IP as distinct from, 281–82
Law of Passing Off in, 296–99
legal protections of, 286–303
  scope of, 301–3
Malaysia-Chile Free Trade Agreement and,
  285–86
MEUFTA, 286
sui generis systems and, 445
TDA 2001 in, 300–1
TMA 1976 in, 287, 299–300
Trade Marks (Amendment) Act 2000 in,
  299–300
  as trade tool, 284–86
TRIPS and, 281, 288
Malaysia-Chile Free Trade Agreement,
  285–86
Malaysia-European Union Free Trade Agreement (MEUFTA), 286
Malmström, Cecilia, 152
Marie-Vivien, Delphine, 38–39
marketing
  of Asian GIs, 91
  in Vietnam, 330
of geographical origins, 70–73
  appeal of, 70–72
  in developed countries, 71–72
  in developing countries, 71–72
  labeling and, 72–73
  GIs as tool in, 28–29
  marks. See also certification marks;
    geographical indications; names;
    trademarks
  collective, 62, 120, 139
  under Lanham Act, 140
  marks indicating conditions of origin (MICOs)
Argumedo on, 120
  in Asia, 88–89, 90–92, 113–20
    alternative food networks and, 118
    gender equity in, 116, 117–18
    biocultural diversity and, 119
    biocultural rights and, 119
    through community protocols, 119–20
    of indigenous peoples, 119–20
  collective marks, 62, 120
  IPR systems and, 120
  WIPO and, 91
Mediterranean Diet, 474–77
  mutations in, 477

Downloaded from https://www.cambridge.org/core. IP address: 54.191.40.80, on 21 Sep 2017 at 11:46:50, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781316711002
mega-regional trade agreements, 153–58. See also Trans-Pacific Partnership Agreement
CETA, 157–58
RCEP, 151, 156–57
negotiating members of, 156–57
MEUFTA. See Malaysia-European Union Free Trade Agreement
Mexico, 196
MICOs. See marks indicating conditions of origin
Ministry of Agricultural (MOA) practice, 392–94
for agricultural products, 393
approval in, 392–93
control and supervision in, 393
examination in, 392–93
protection terms in, 393
enforcement and, 394
for foreign GIs, 394
registration procedures, 392
Moldova, 196
monocropping
palm oil production and, 112
in swidden agriculture, 106
women and, 106
monopoly rights, 522
Montenegro, 196
Moratuwa furniture, 430–31
multilateral trade agreements, Asia GIs and, 194–97
NAFTA. See North American Free Trade Agreement
NakshiKantha, 447
names, generic
GIs and, 13
under Lisbon Agreement, 133–35
national identity, terroir and, 122–23
National Office of Intellectual Property (NOIP), 311–12
national treatment principle, 453
Naylor, Lindsay, 117
New Zealand
ASEAN-Australia-New Zealand Free Trade Agreement, 285–86
EU and, trade agreements with, 166
exports from, 166
Nicaragua, 196
NOIP. See National Office of Intellectual Property
non-agricultural products and handicrafts, reputation-based GIs for, 43–44
non-GMO labels, 72
North American Free Trade Agreement (NAFTA)
EU under, 170
ISDS and, 181–83
North Korea, 193–94
Lisbon Agreement and, 196
OAPI. See Organisation Africaine de la Propriété Intellectuelle
OLPs. See Origin Labelled Products
organic labels, 72
Organisation Africaine de la Propriété Intellectuelle (OAPI), 141
Origin Labelled Products (OLPs), 310
Oxfam, 76, 77, 80
palm oil production
conflict palm oil, 113
deforestation through, 97–99
Fair Trade USA and, 117–18
in Indonesia
monocropping and, 112
RSPO certification, 112
smallholder schemes, 111
women’s role in, 109–13
industry reform for, 113–15
through certification regimes, 114–15
by corporations, 113–14
regulatory standards for, 115–16
through sustainability, 115
Snack Food and, 113
Papua New Guinea (PNG)
coffee production in, 84–86
infrastructure for, 84
labeling schemes for, 84–85
non-traditional sources of, 85
farmers in, 84–86
Paris Convention for the Protection of Industrial Property, 11
China GIs under, 380–81
EU GIs under, 194
patents under, 131–32
Sri Lanka under, 410–11
trademarks under, 131–32
unfair competition and, 218
Patent Cooperation Treaty (PCT), 130
- applications for, in India, 61
- under Paris Convention, 131–32

PCT. See Patent Cooperation Treaty

PDOs. See protected designation of origins

Peru
- FTAs and, 178–79
- Lisbon Agreement and, 196
- PRS in, 178–79

PGIs. See protected geographical indications
- the Philippines, swidden agriculture in, 100–1
- Phu Quoc products, 22

Plant Varieties Protection Act (Indonesia), 503–4
- plantation agriculture, in Southeast Asia, 97–102
- female landholders and, 109
- gendered labour and, 109–13
- for palm oil production, 109–13
- subsistence farming and, 109

PNG. See Papua New Guinea

Portugal, 196

PPGIP system. See Provisions on the Protection of Geographical Indication Products (PPGIP) system

price range system (PRS), 178–79

prices, GIs as influence on, 24

Product Quality Law (China), 395

property rights, under CSICH, 462

protected designation of origins (PDOs), 25–26, 37, 62
- in Australia, 269–70
- in EU, 168, 189
- GI protections and, 68
- in India, 341–42
- in Italy, 174–75
- TPP and, 153–54

protected geographical indications (PGIs), 25–26, 37, 62
- in Australia, 269–70
- in EU, 168, 189
- European Commission on, 68
- under GI Act 2014, 250–54
- under GI Act 2000, 259
- in India, 338, 341–42
- reputation-based GIs and, 44–47
- in Taiwan, 362
- TPP and, 153–54
- in Vietnam, 315

Protection of Intellectual Property Rights of Indigenous Papuans (Indonesia), 493

Provisions on the Protection of Geographical Indication Products (PPGIP) system, 388–89, 390–91

PRS. See price range system

qualitative methodology, 311–12

quality control
- for Japan GIs, 518
- for wine GIs, 277–78

Raja, Indranee, 249

Rangnekar, Dwijen, 69, 74, 80–81. See also Feni liquor

Regional Comprehensive Economic Partnership (RCEP), 151, 156–57
- negotiating members of, 156–57

registered names, 210

registration protection principle, 366

registries and registrations, of GIs
- in China, 385–87
- MOA practice for, 392

DOOR, 41

PDOs in, 171

PGIs in, 171

TSGs in, 171

under EU trademark law, 198–201

under GI Act 2013, 451

under GI Act 2014, 241–45

under GI Act 2000, 259–91

for GIs, 5, 18
- in Asia, 190–91
- in EU, 38
- terroir and, 24–25

in Japan, 514–15

in Singapore, 247–49

in Sri Lanka, 410, 435

in Taiwan, 370–71

TRIPS and, 370–71

in Vietnam, 312–20

- criteria requirements for, 312–14
- product types and, 314–15
- public policies for, 318–20
- as state-driven top-down process, 316–18, 320

Regulation 510/2006 (India), 340

Regulation 1515/2012 (India), 189–91, 340

Regulation 2081/92 (European Union), 189–91
reputation-based GIs, 23–28, 40–54
attributability of, 54–59
in India, 59–60
in Italy, 60
in Latvia, 58
relevance of, 54–55
in Spain, 57–58
in CJEU cases, 42–43
Greek Yoghurt case, 42, 43, 209
as compromise, 44–54
as multilateral template, within EU, 51–54
for PGIs, 44–47
contemporary aspects of, 55–56
defined, 40–41
DOOR and, 41
EC recognition of, 51–54
historic aspects of, 55–56, 58–59, 60
under Lisbon Agreement, 23–24, 45
Geneva Act, 40–41
for non-agricultural products and handicrafts, 43–44
product history and, 55–56, 57
production techniques in, 56
terroir paradigm and, 24–25, 47–51
in Germany, 47–48
under TFEU, 48
trademarks and, 137
under TRIPS, 24–25
under unfair competition laws, 45–47
WTO legislation and, 40
Rogers, Edward, 213, 220. See also General Inter-American Convention for Trademark and Commercial Protection
Roundtable on Sustainable Palm Oil (RSPO), 112
Ruhunu Curd, 426–27
rules of origin, WTO criteria for, 150
rural development, GIs and, 259
Ryan, Paul, 152
SAIC. See State Administration for Industry and Commerce
Saudi Arabia, Ethiopian coffee imported into, 80
Sen, Debarati, 94
Serbia, 196
shade-grown labels, 72
shifting cultivation. See swidden agriculture
Silk Mark Organization of India (SMOI), 349–50
Singapore. See also Geographical Indications Act
EU-Singapore Free Trade Agreement, 166–67, 169
CJEU ratification of, 255
establishment of, 235
purpose of, 235
under GI Act (1999), 235, 237–40
GI protections in, 237–40, 247–54
after GI Act (1999), 238–40
before GI Act (1999), 237–38
through registration systems, 247–49
relationships between owners and rights holders, 249–54
Trade Marks Act 1958 in, 237
Trade Marks Act 1998 in, 237–38
Trade Marks (Amendment) Act 2004 in, 254
under TRIPS, 240
US-Singapore Free-Trade Agreement, 166–67, 254
Singh, Ranjay K., 107
single-origin coffees from Ethiopia, 77–79
Starbucks and, 77–80
Slovakia, 196
SLTB. See Sri Lanka Tea Board
smallholder schemes, 111
SMOI. See Silk Mark Organization of India
Snack Food, 113
social development
GIs for, 15–22
in Vietnam, through GIs, 308–9, 320–27
social movements, swidden agriculture and, 100–1
The Soil and Health (Howard), 63
soil fertility, swidden agriculture and, 103
South Korea
EU-South Korea Free Trade Agreement, 169, 192, 193–94
Kimjang, Making and Sharing Kimchi in the Republic of Korea, 478–83
Codex standard for, 481–82
under TPP Agreement, 156
Southeast Asia. See also Bangladesh; China; India; South Korea; Sri Lanka; Taiwan
biocultural diversity in, 96–113. See also swidden agriculture
on agricultural lands, 100
under CBD, 103–4
ecosystem services and, 102–5
Southeast Asia (cont.)
on forest lands, 100
livelihood security and, 102–5
deforestation in, 97–102
through palm oil production, 97–99
indigenous farmers in, 101–2
plantation agriculture in, 97–102
female landholders and, 109
gendered labour and, 109–13
for palm oil production, 109–13
subsistence farming and, 109
Spain, reputation-based GIs in, 57–58
species richness, swidden agriculture and, 103
Sri Lanka, GIs in
Ambalangoda masks, 427–28
Beeralu lace, 430–31
CAA Act of 2003 in, 416
Ceylon Cinnamon, 423–24
Ceylon Sapphires, 425–26
Ceylon Tea, 409–10, 421–23
SLTB and, 422–23
definitions of, 410–12
Dumbara mats, 427–28
Indian influences on, 432–33
under Lisbon Agreement, 410–11
under Madrid Agreement, 410–11
Moratuwa furniture, 430–31
under Paris Convention, 410–11
protections for, 412–21
through business practice laws, 412–13, 415–17
through consumer protections, 415–17
through sui generis regimes, 414–15, 419–20, 434–35
through trademark law, 413–14, 417–19
weakness of, 420–21
registration-based system for, 410, 435
Ruhunu Curd, 426–27
under TRIPS, 411–12, 413
Sri Lanka Tea Board (SLTB), 422–23
stakeholders, diverse, 89–90
Starbucks, 75–80
single-origin coffees and, 77–80
State Administration for Industry and Commerce (SAIC), 580–81
status of play, 14
subsistence farming, women and, 109
sui generis systems. See also Ministry of
Agricultural practice
in Asian countries, 445
champagne under, 122–23
in China, 387–91, 392–94, 402–4. See also Ministry of Agricultural practice
AQSIQ system, 387–90
costs of, 403
exclusive rights, 403–4
PPGIP system, 388–89, 390–91
trademarks in conflict with, 400–2
farmers under, in developing countries, 74
genericide and, 132
under Geneva Act, 142
GIs and, 5, 9–10
in India, 339–42, 445
in Taiwan, 378
TPP and, 142
TRIPS and, 449
in Vietnam, 308, 312
sustainable, as label, 72
swidden agriculture, 97–102
biomas in, 98, 103
carbon stocks in, 98, 102
under CBD, 103–4
criminalization of, 99–100
ecosystem services and, 102–5
fallow periods in, 103, 104
in global social movements, 100–1
indigenous farmers and, 101–2
livelihood security and, 102–5
political and strategic advantages of, 100
soil fertility and, 103
species richness and, 103
women’s TEK in, 105–9
Sykes, Friend, 63
Taiwan, GIs in
dereistic policies for, 362–67
as IP-centred, 363
negative protections in, 365–67
positive protections in, 365–77
trademarks in, 365–65
economic development through, 377–79
under Examination Guidelines of 2007, 371–75
under Fair Trade Act, 360–61
IP and
under dereistic policies, 363
laws for, 359–60
IPRs and, 359–60
PGIs, 362
registration of, 370–71
TRIPS and, 370–71
registration protection principle and, 366
sui generis systems, 378
under TMA 2003, 360–61, 366, 367, 368–70, 373–74
under TMA 2012, 368, 375–77
under Tobacco and Alcohol Administration Act, 360–61
trademarks and
collective, 372–73
under derestic policies, 363–65
geographical collective, 375–76
TRIPS and, 359–61, 364–65, 370–71
for wine and spirits, 362
in WTO, 359, 360–61
TBT. See Agreement on Technical Barriers to Trade
TCEs. See traditional cultural expressions
TDA 2011. See Trade Descriptions Act 2011
Tea Act (India), 352, 353
Tea Board, in India, 352–54
tea production, Darjeeling Tea, 92–96
cultural impact of, 93
fair trade and, 93–94, 95–96
female workers and, 94–95
production techniques for, 92–95
TEK. See traditional environmental knowledge
terroir. See also geographical origins
in Bangladesh, 455
cultural context for, 63
defined, 36, 63
in France, 62–63, 122–23
in free market economies, 136
FTA policy and, 159
GATT and, 39
Geneva Act and, 64–65, 123
under Lisbon Agreement, 64–65
microclimactic elements of, 63
national identity and, 122–23
reputation-based GIs and, 24–25, 47–51
in Germany, 47–48
under TFEU, 48
soil composition and, 63
TPP Agreement and, 123
under TRIPS, 64–65
wine making and, 62–65
in Australia, 63, 164
in France, 62–63
in United States, 64
TFEU. See Treaty on the Functioning of the European Union
Thailand, sui generis systems and, 445
TIPO. See Taiwan Intellectual Property Office
TPP Agreement. See Trans-Pacific Partnership Agreement
Trade Descriptions Act 2011 (TDA 2011) (Malaysia), 300–1
Trade Mark Act 2003 (TMA 2003) (Taiwan), 360–61, 366, 367, 368–70, 373–74
Trade Mark Act 2012 (TMA 2012) (Taiwan), 368, 375–77
Trade Mark Law of 1993 (TM Law 1993) (China), 382–83
Trade Mark Law of 2013 (TM Law 2013) (China), 387, 397, 399, 400–1
trade marks. See trademarks
Trade Marks Act 1938 (Singapore), 237
Trade Marks Act 1976 (TMA 1976) (Malaysia), 287, 299–300
Trade Marks Act 1998 (Singapore), 237–38
Trade Marks (Amendment) Act 2000 (Malaysia), 299–300
Trade Marks (Amendment) Act 2004 (Singapore), 254
Trade Marks Act of 2001 (Indonesia), 496, 498–99
Trademark Act (US), 213, 220
trademark law
in China, 404–5
in Sri Lanka, 413–14, 417–19
trademarks. See also General Inter-American Convention for Trademark and Commercial Protection
in Bangladesh, 452–54
trademarks (cont.)
certification marks and, 137–38
for Cognac, 138–41
in China, 389–87, 402–4
conflicts between GIs and, 396–400
costs of, 403
enforcement of, 387
as exclusive rights, 403–4
legislative history for, 382–84
registration for, 385–87
in CJEU cases, 198–201

collective
geographical, 375–76
in Taiwan, 372–73
under common law, 137–41
collective goodwill under, 137–38
“first-in-time, first-in-right” approach
to, 137
in United States, 138

conflicts over
EU Council regulations for, 133
under Geneva Act, 135
under Lisbon Agreement, 133–35
under TRIPS, 134–35

CTMR and, 204
deceptive, 200
EU GIs under, 198–208
collective marks, 202–4
geographical term use, 198–201
protection as trademark for, 198–201
registrability of, 198–201
scope of protections for, 201–2
under GI Act 2014, 242
owners of trademarks, 251–53
under Lanham Act, 140, 342–43
maintenance fees for
under Geneva Act, 129, 130–31
under Lisbon Agreement, 120–31
under PCT, 130
under Paris Convention, 131–32
registrations for
in Ethiopia, 75–80
in India, 61
Starbucks and, 75–80
reputation-based GIs and, 137
in Taiwan
collective, 372–73
under dereistic policies, 365–65
geographical collective, 375–76
under TRIPS, 134–35, 141
definitions of, 453

in Vietnam, 328–29
traditional cultural expressions (TCEs)
in Asia, 88
in Japan, 510
traditional environmental knowledge (TEK)
in Asia, 88
for women, 105–9
FPIC principles and, 108–9
in India, 107–9
traditional knowledge. See knowledge
traditional specialties guaranteed (TSGs), 153–54
in EU, 168, 189

Trans-Atlantic Trade and Investment Partnership (TTIP)
EU under, 169, 212
multilateral aspects of, 151
US under, 212

Trans-Pacific Partnership (TPP) Agreement, 14–15, 153–56, 225
Australia under, 156
EU under, 170
Geneva Act and, 143
Japan and, 512
member nations in, 15
multilateral aspects of, 151
PDOs and, 153–54
PGIs and, 153–54
South Korea under, 156
sui generis systems and, 142
terroir and, 123
TSG and, 153–54

travaux, 127
Treaty of Athens, 193–94

Treaty on the Functioning of the European Union (TFEU)
IP under, 169
reputation-based GIs and, 48
terroir paradigm and, 48

TRIPS. See Agreement of Trade-Related Aspects to Intellectual Property Rights
TSGs. See traditional specialties guaranteed

TTIP. See Trans-Atlantic Trade and Investment Partnership

Tunisia, 196

UNCITRAL. See United Nations Commission on International Trade Law
UNCTAD. See United Nations Conference on Trade and Development
women (cont.)
  in Darjeeling Tea production, 94–95
  as landholders, 109
  in plantation economies, 109–13
  in palm oil production, 109–13
  in subsistence farming, 109
  in swidden agriculture, 105–9
  monocropping and, 106
  rice cultivation, 106
TEK for, 105–9
FPIC principles and, 108–9
in India, 107–9
World Intellectual Property Organisation (WIPO)
  Geneva Act and, 122
  GIs and, 37
  MICOs and, 91
World Trade Organization (WTO)
  discrimination between trading partners, 453
  DSU, 178
  GIs and, 4, 36–37
  in EU, 168, 171–72, 190
  member requirements for, 12
  protections for, 12
  IP and, 162–63
  ISDS and, 178–80, 185
  BTIAs and, 178
  FTAs under, 178–79
  TRIPS and, 180
  reputation-based GIs and, 40
  rules of origin criteria, 150
  Taiwan accession to, 359, 360–61
Yugoslavia, 196