

LEGAL PROTECTION OF PRODUCTS IDENTIFIED BY GEOGRAPHICAL INDICATIONS HAVING WEAKER LINK WITH THE ORIGIN

LM De Silva¹

¹Lecturer, Faculty of Law, General Sir John Kotelawala Defence University, Sri Lanka
desilvalihini@gmail.com

Abstract - The link between the product and the place of origin gives the product a distinguishable identity. Nevertheless, the strength of the link based on human factors and natural factors of the geographical origin differs from one product to another. This research firstly aims to examine whether this link between the product and the origin has been taken into account by the International Conventions when granting protection. It is also aimed to analyse how the jurisdictions of European Union, India and Sri Lanka have granted protection for Geographical Indications (GIs) when the link between the product and the origin varies. The research further aims at evaluating whether both national and international legal frameworks should grant the same protection for GIs disregarding the strength of the link to origin. In achieving the objectives, the research mainly followed the black letter law approach, while empirical data analysis was conducted in order to glean the practicality of recognizing GIs with a weaker link to origin. As evidenced by the TRIPs Agreement, granting of protection is based on an irrational basis which disregards the link to the origin. The EU law even though mandates two types of GIs based on the link to origin, the two definitions are not considered in granting protection. Notwithstanding the recognition of products with a weaker link to the origin by Indian and Sri Lankan jurisdictions, it does not make any sense as it has not been taken into account in granting protection. Hence, it is suggested in this research that a product's link to the origin must be considered in determining the level of protection.

Keywords - Geographical Indications, Human Factors, Natural Factors, Link to Origin

I. INTRODUCTION

Geographical Indications (GI) could be identified as indications which identify a good as originating in a region where a given quality, reputation or other characteristic is essentially attributable to its geographical origin (TRIPs, art. 22.1). The uniqueness of GIs is created with its link to the geographical territory. GIs not only describe where it comes from. Rather it mirrors the human factors and natural factors of the place it originates. Natural factors could be understood as biological or ecological factors which include soil, climate, source of raw materials and other environmental factors. Human factors could be understood as skills, practices and producers' know how. However, the strength of the link varies from one product to another creating an impact on the product's relationship to the geographical origin. Even though agricultural products are dealt with natural factors to a larger extent, it is not same with the handicrafts. They are composed mostly of human factors alone or a combination of human and natural factors where human factors are dominant. In the case of products which rely only on human factors alone of the defined geographical area, pose the question whether they can be recognized as valid GIs. The second part of this paper will discuss the methodology used in carrying out the research and the third part will examine the international legal framework in relation to the products with weaker link to the origin. The fourth part analyses the EU, Indian and Sri Lankan legal frameworks. The fifth section describes the recommendations, which will be followed by the conclusion in the sixth chapter.

II. METHODOLOGY

This research was carried out mainly following the black letter law approach. To that end, qualitative data was used.

Statutes, judicial decisions and international conventions were used as primary qualitative data. As secondary qualitative data legal text books, legal treatises, journal articles and conference proceedings were utilized. The socio-legal approach was also followed in this research, since the researcher engaged in identifying whether the products which link to the geographical origin by way of human factors confer quality, reputation or characteristics to the product. In doing so, key informant interviews were conducted with the producers of potential GIs, legal academics, legal practitioners and administrative bodies. The main purpose of gathering empirical data was to analyse the impact of the current international and domestic legal frameworks in recognizing the GIs with weaker link to its origin. The comparative analysis was built based on the reason that the jurisdictions of EU and India have paved the way in recognizing the GIs with a weaker link to the origin.

III. GEOGRAPHICAL ORIGIN OF GIS – INTERNATIONAL LEGAL FRAMEWORK

Products known as GIs more often travel beyond national boundaries. Therefore, extraterritorial protection for GIs became important to the world. The following paragraphs will discuss how four such international conventions define GIs.

Paris Convention of 1883 (as revised on December 14, 1900, on June 2, 1911, on November 6, 1925, on June 2, 1934, on October 31, 1958, and on July 14, 1967, and as amended on September 28, 1979) for the first time in the history, included ‘indications of source (IS) or appellation of origin (AO)’ – the concepts which enclose the idea of GIs, as its subject matters. Nevertheless, the Convention did not define ‘indication of source or appellation of origin’ Therefore, despite the fact that the international recognition has been given for IS or AO, it has been made difficult to identify the relationship between the product and the place of origin due to the non-availability of the definition.

The Madrid Agreement of 1891 (as revised on June 2, 1911, on November 6, 1925, on June 2, 1934, and on October 31, 1958 II. Additional Act of July 14, 1967) which came into force subsequent to the Paris convention of 1883, does not define IS even though it recognizes IS. Rather it has implied certain elements which make the parts of IS. Article 1.1 of the Agreement states,

“All goods bearing a false or deceptive indication by which one of the countries to which this Agreement applies, or a place situated therein, is directly or indirectly indicated as being the country or place of origin shall be seized on importation into any of the said countries”

In terms of the ideas expressed in this Article, it could be argued that the IS is an ‘expression or sign used to identify that a product originates in a particular place without reference to any element of quality or reputation’ (Addor & Grazioli, 2002). Like GIs, IS also describes that the product comes from a specific place. Nonetheless, it does not describe the qualities, reputation or characteristics that arise as a result of the geographical origin. In such a way, IS differs from GIs and stands as a broad concept than GIs. The IS only indicates the place which the product comes from. The examples for IS include the name of the country or mentioning such as ‘made in’.

The definition of AO was first introduced by the Lisbon Agreement of 1958 (As revised at on July 14, 1967, and as amended on September 28, 1979) similar to the French interpretation. AO is defined in Article 2 as ‘geographical denomination of a country, region, or locality, which serves to designate a product originating therein, the quality or characteristics of which are due exclusively or essentially to the geographical environment, including natural and human factors’ Unlike the IS which was expressed under the Madrid Agreement, the Lisbon Agreement explains the relationship between quality, characteristics and the geographical environment. This definition also influenced the TRIPs definition of GI (WIPO, 2002). Unlike the IS which required the description of place of origin to qualify as an AO, the required strength of the link to the origin of products is stringer. To meet the requirements of an AO, firstly the appellation must be a name of a specific place. Next the quality or characteristics must arise due exclusively or essentially to the geographical environment, including human factors and natural factors. Due to the essential blend of human and natural factors, the definition under the Lisbon Agreement is stricter concerning the strength of the link (Marie-Vivien, 2013).

As evidenced by artisanal products and their registration, the distinguishing link has been created by human skill and local environmental conditions which have demonstrably shaped the product (Gangjee, 2016). However, the wording of the definition which includes ‘exclusively or essentially’ does not give rise to the meaning that the applicant must establish that the product is exclusive; which means that the product is unique to the place it originated in terms of natural science (Gangjee, 2016).

In this regard the Italian Supreme Court interpreted 'exclusively or essentially' as requiring product only available in the designated place alone. In the case of Budweiser (Budweiser, 2003) the issue arose over claiming exclusive rights to 'Budweiser' and 'Bud' for lager. The dispute was between US brewery and Heuser-Busch (A) and the Czech state-owned Budějovický Budvar Corporation (B). The well-known unregistered marks 'Budweiser' and 'Bud' were challenged by B based on the Lisbon registration it possessed. The Supreme Court held that the appellants who were the registered owners of 'Budweiser' and 'Bud' did not satisfy the 'milieu géographique' for 'Budweiser'. The court came to such a decision, despite the fact that water, hops, barley and malt of Bohemia that are used for the production of beer carry excellent quality and possess specific characteristics. The court held that this does not give rise to the fact that

'[the] taste, colour and look of Bohemian beer derive exclusively and exactly from complex environmental conditions (climate, soil, etc.), unrepeatable in another place and considered a decisive factor, nor from complex manufacturing and production techniques that are not (or not especially) feasible in different environments; this does not mean that the natural and human factors are so closely associated to the environment that they are necessary influences on the product to render it absolutely unique and unrepeatable elsewhere' (Budweiser, 2003).

In another dispute between the same parties the Civil Court of Lisbon decided that 'Neither the raw materials, nor the manufacturing method are influenced by natural or human factors existing only in a determined place or exclusively or essentially related with that place or area. Therefore, it is perfectly possible to manufacture beer with the same qualities and characteristics in different geographical places and areas (Real, 2005).

The Strasbourg Court also decided that for the reason that beer intrinsically was an industrially produced commodity and its sensory or analytic properties could be replicated in different locations around the world, no beer could qualify as an AO (Krnenbourg Brewis v. Budějovický Budvar Národní Podnik, 2004).

The above discussion reveals that the interpretation given for AO by the courts is narrow. This leads to the question whether this is what was intended by those who signed up the Lisbon Agreement. Dev Gangjee suggests that drafters did not intend to require that physical product could be uniquely found in the designated place

by the term 'exclusive or essential'. He argues that what was required was an apparent link among the human and natural geography which essentially causes product's characteristics or distinctive qualities (Gangjee, 2016).

In contrast, the TRIPs Agreement of 1994 encompasses a broad definition for GIs. Before the TRIPs, the term GI was not recognised by an international agreement. The TRIPs Agreement Article 22.1 defines GIs as 'indications which identify a good as originating in a region where a given quality, reputation or other characteristic is essentially attributable to its geographical origin.' This definition is broader than the concept of AO which was defined under the Lisbon Agreement. It is evident that this definition includes the criterion of reputation which means that whenever the link between the product and the place causes only for the reputation but not for the quality or characteristics, still the product qualifies as a GI. Moreover, the terminology of 'geographical origin' also leads to mean that the combination of human factors and natural factors are no longer mandatory for a product to become a GI (Marie-Vivien, 2013).

The designing history of the TRIPs Agreement suggests that the more restrictive condition of requiring human factors and natural factors did not receive consensus among the old world and new world (GATT, 1988). However, the EU regulation recognized the products with weaker link prior to the establishment of the TRIPs Agreement. Therefore, the drafting history will be analysed under the EU law.

Despite the fact that TRIPs Agreement has established a definition to include the products which are not necessarily linked with natural factors, it grants two types of protection to the products by creating a discrimination among the types of products. This paper does not intend to discuss the two types of protection granted for products. Rather it argues that providing special protection for wines and spirits in terms of Article 23.1 of the TRIPs Agreement is meaningless where the same level protection has been granted for GIs disregarding the link to the origin.

IV. GEOGRAPHICAL ORIGIN OF GIS - THE LEGAL FRAMEWORK OF EU, INDIA AND SRI LANKA

As mentioned in the previous section, it is important to analyse first the recognition of GIs with weaker link to the origin under the EU law. This discussion will be followed by the Indian and Sri Lankan law.

A. European Union

An extensive legislation for the protection of GIs was first introduced by the Council Regulation No. 2081/92 on the protection of geographical indications and designations for agricultural products and food stuffs. However, due to the contradictions with the TRIPs Agreement, Council Regulation No. 510/2006 was introduced. Later with the need to develop agricultural sector, Council Regulation No. 1151/2012 was brought.

The EU Regulation contains two definitions of subject matter; namely, Protected Designations of Origin (PDO) and Protected Geographical Indications (PGI). Under the Regulation No. 1151/2012, PDO is defined as a name of an area where the quality or characteristics of the product are essentially or exclusively due to a particular geographical environment including natural and human factors and the production steps which take place in the defined geographical area (Article 5.1, TRIPs Agreement). PGI is defined as a name which identifies a product originating in a specific area which possesses a given quality, reputation or other characteristic essentially attributable to its geographical origin and at least one of the stages in the production which takes place in the defined geographical area (Article 5.2, TRIPs Agreement).

The requirements under the PDO are stricter than that of PGI. To qualify as a PDO, the qualities or the characteristics of the product have to be an essential or exclusive result attributable to its geographical environment. This link to the geographical environment was also a requirement under the Lisbon Agreement which defined AO. Moreover, for PDO all production steps should take place in the defined area where for PGI the minimum requirement is at least one step of the production should take place in the defined area. Additionally, for PGI the link to the origin may also arise due to the reputation. The reputation option of PGI is a nod towards the qualified IS recognised by German unfair competition law (Gangjee, 2016).

The cases decided by the ECJ suggest that only PDO received recognition as a legitimate category of GI during the period between 1970s and 1980s. The case of *Commission of the European Communities v. Ireland* ([1982] ECR 4005) and *Apple and Pear Development Council v. KJ Lewis Ltd* ([1983] ECR 4083) are two such examples which made doubt over labelling them as IS and considered them as restricting free transfer of goods. The IS which were based on reputation were not considered as an exception to the free movement of goods principle. Only

AO was considered as an exception to the principle (Wyatt, 1975). However, there is evidence to say that the later cases have recognized IS despite the fact that there was no terroir-based link. The court held that indication of provenance 'may nevertheless enjoy a high reputation ...' (*SA v. LOR SA and Confiserie du Tech SA*, 1992). According to Bier this situation led to the implementation Regulation 2081/92 which understood that AO does not suffice (Bier, 1994).

During the European Parliamentary debates, Germany came up with the proposal of a category which includes all geographical names. Nonetheless, at the negotiation level, they accepted PGI as an alternative. Later, the ECJ also established that the purely reputational link is a satisfactory basis to recognize PGI (*Bavaria NV, Bavaria India Srl v. Bayerischer Brauerbund eV*, 2009). EC became the driving force behind the GI provisions in the TRIPs (Gangjee, 2016).

The above discussion shows that subsequent to the EU recognition of the products which encompass weaker link to the place of origin as GIs, the TRIPs Agreement also has recognized a definition which combines both PDO and PGI.

As evident from the cases decided before the European Court of Justice, there is a flexible relationship between the product and the geographical origin. The case of *Spreewälder* reveals that notwithstanding all the raw materials are sourced from outside the region, since the production or process takes place in the defined geographical area, the product is given GI status (*Carl Kühne and Others v. Jütro Konservenfabrik GmbH & Co. KG*, 2001). However for PDO, the court has held in several cases that even packaging creates an imperative part of processing and therefore if it is not done accordingly, it may damage the quality and reputation of Parma ham (*Consorzio del Prosciutto di Parma and Salumificio S. Rita SpA v Asda Stores Ltd and Hygrade Foods Ltd*, 2003).

Despite the fact that EU law identifies two types of GI, one layer of protection has been recognized for both types of GIs. Hence, the distinction between PDO and PGI is important only for labelling which ultimately passes the message to the consumers about the strength of relationship between the product and the geographical origin.

B. India

As a more effective legal means to protect GIs, India adopted the Geographical Indications of Goods (Registration and Protection) Act of 1999 (hereinafter GI Act). The Indian economist Srivasta states that bringing of GI Act was an implementation of the minimum requirements of the TRIPs Agreement (Srivasta, 2003).

The Act under section 2(1) provides the definition of GIs in relation to goods

‘an indication which identifies such goods as agricultural goods, natural goods or manufactured goods as originating, or manufactured in the territory of a country, or a region or locality in that territory, where a given quality, reputation or other characteristic of such goods is essentially attributable to its geographical origin and in case where such goods are manufactured goods one of the activities of either the production or of processing or preparation of the goods concerned takes place in such territory, region or locality, as the case may be.’

While corresponding to the definition of GI under the TRIPs Agreement, the GI Act includes AO, European PDO and PGI as well, nonetheless it excludes IS. The wording used also suggests that the Act recognizes GIs similar to European PGI which is however limited to manufactured goods (Section 1(3) (e), GI Act 1999 of India). In terms of section 1(3) (e) of the Act, in the case of manufactured goods, to qualify as a GI ‘one of the activities of either the production, processing or preparation has to take place in the territory’.

Unlike the EU law, the GI Act of India extends its protection to non-agricultural products as well. The registered GIs in India shows that the Act has allowed for the GIs with weaker link to the geographical origin as well.

The Alleppey Coir (this designation is used on carpets and other goods manufactured out of coir yarn spun from coir fibre extracted from coconut husk) does not specify where the coconut originated. Alleppey is only the place where the professional weavers live (Marie-Vivien, *The Protection of Geographical Indications in India : A Perspective on the French and European Experience*, 2015). The wool used for Kahmir Pashmina is completely from Ladakh region. Hence, the product’s link to the origin is created through the traditional spinning and weaving knowledge. Moreover, in terms of the specification of Chanderi sari mentions that silk yarns come from China or Korea and cotton yarns

from south Indian town (Marie-Vivien, *The Protection of Geographical Indications in India : A Perspective on the French and European Experience*, 2015). In the case of Kancheepuram silk, the weavers are originally from Andhra Pradesh. They have migrated to such a place 400 years ago at a time when the village was swept away by the sea. Also, there is evidence that golden lace used for sarees is also brought from Gujarat. Therefore, the validity of the GI is created by way of historical depth of the localisation of the product (Marie-Vivien, *Protection of Geographical Indications for Handicrafts or How to Apply the Concept of Human Factors or Natural Factors*, 2013).

The above GIs registered in India demonstrate that India has paved the way for the registration of products where the natural factors are lacking to create the product’s link to the geographical origin. This situation is similar to PGI under the EU law.

Nonetheless, unlike the EU law, Indian law does not provide for two different definitions to recognize GIs. Also disregarding the steadiness of the link to the origin, Indian GI Act provides the same protection for all types of products. This scenario could be understood as providing a means to enhance the rural development in India while identifying the disadvantaged groups such as craftsmen and producers of labour intensive small businesses.

In answering the question whether the products based on know-how alone could be entrenched to a particular geographical origin, Delphine Marie-Vivien and Estelle Bienabe lay down several explanations. Firstly in the instances where the environment influence the know-how. Next when the know-how has been historically rooted with the geographical origin while conserving the quality. This is explicit in the Indian caste system where the specific groups have been skilled since ancient time for a precise activity which passes down from generation to generation. (Marie-Vivien & Bie, *The Strength of the Link to the Origin as a Criterion*, 2012) Despite the fact that such GIs exhibit a link to the origin, the link is weaker than the GIs based on the natural factors. Therefore, it could be suggested to recognize two levels of protection based on the strength of the link to the origin.

C. Sri Lanka

The main legal instrument which applies to GIs in Sri Lanka is the Intellectual Property Act No. 36 of 2003. The Act defines GIs same as the TRIPs Agreement. According to section 101 a GI is an ‘indication which identifies any

good as originating in the territory of a country, or a region or locality in that territory where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin.

The definition of GIs in Sri Lanka too suggests that there is no limitation to recognize GIs with a weaker link to the origin. Therefore, even at a time the product is solely based on human factors, still the product will receive the GI tag. Therefore, a case arisen before the court cannot be rejected recognizing the product as a GI for the reason of a weaker link. In addition to the well-recognised GIs such as 'Ceylon Tea' and 'Ceylon Cinnamon' which receive its uniqueness mainly as a result of the environmental factors, there are a number of potential GIs which are based on know-how and human skills. In the case of Ambalangoda masks it is evident that the uniqueness relied on the traditional methods of production passed down from generation to generation. Moreover, Beeralu lace making which is practised by mostly the women in Galle relied upon the human skills known by a limited community. Therefore, even though Sri Lanka does not have registered GIs with weaker intensity to the origin due to the absence of an implemented GI register, it has the potential GIs which could be emerged with a weaker link. However, unlike the TRIPs Agreement, Sri Lankan GI law does not discriminate among the products in granting protection. Rather it even goes beyond the TRIPs agreement and awards special protection given for wines and spirits under TRIPs, for all products. Nevertheless, it creates the question whether the products that are solely connected to the geographical origin via human factors are also entitled for the same protection as the products with more strong intensity to the origin with natural factors alone or with a combination of human factors and natural factors. Therefore, two definitions as in EU with separate scope of protection could be suggested.

V. RECOMMENDATIONS

As evident above, the question is not whether the products having weaker link to the geographical origin must be considered under the purview of GIs, but whether same protection must be granted for all GIs disregarding the strength of the link to origin.

The division of wines and spirits and other products created by the TRIPs Agreement is based on no justifiable rationale without even considering the intensity of the linkage between the product and the origin. Therefore, wines and spirits which possess a weaker link to the origin

are even entitled for the special protection granted by the TRIPs Agreement. It could be proposed that the level of protection under the TRIPs should be based not on the type of the product, but on the link to the origin.

In Europe even though two types of GIs have been recognized, the protection granted for both types is the same. Hence, the products with weaker link to origin also acquire the same level of protection. The analysis shows that recognition of two stages of protection for two types of GIs only passes the message to the consumers about the intensity of the product's link to the origin but does not provide any justice to the producers of the products with stronger link. Hence, protection based on PDO and PGI could be suggested in granting the protection for GIs.

Both legal frameworks in India and Sri Lanka provides a definition of GIs, which complies with the TRIPs Agreement. The Indian system of GI registration already evinces the existence of a considerable number of products with weaker link to the origin. In terms of the definition under the IP Act, Sri Lanka too has the potential of recognising GIs with weaker link to the origin. However, for both these jurisdictions, it makes sense if two types of GIs are recognized based on link to the origin created via human factors and natural factors with two distinct levels of protection.

VI. CONCLUSION

The distinct characteristic of GIs is created with its link to the geographical origin. However, this link varies from one product to another. The TRIPs Agreement even covers GIs with weaker link to the origin where products based on human factors alone would also be qualified as GIs. Nonetheless, the protection which makes a distinction between wines and spirits and other products is not relied upon a justifiable rationale. The EU Regulation, which defines GIs in two levels based on the link to the origin, grants only one protection tier for all products not considering the benefits it would have attained if the protection varied based on the link to origin. The Sri Lankan and Indian jurisdictions too recognize GIs with a weaker link, but does not make any distinction like in EU law. Therefore, the products qualify as GIs with human factors alone without passing such a message to the consumers. As evident in the paper, it is noteworthy to mention that in granting the protection to GIs, the link to origin makes an important criteria both at international level and domestic level.

References

- International Conventions
 Lisbon Agreement of 1958
 Madrid Agreement of 1891
 Paris Convention 1883
 TRIPs Agreement of 1994
 Statutes
 Sri Lanka
 Intellectual Property Act No. 36 of 2003
 India
 Geographical Indications of Goods (Registration and Protection) Act of 1999
 Cases
 Apple and Pear Development Council v. KJ Lewis Ltd ([1983] ECR 4083
 Bavaria NV, Bavaria India Srl v. Bayerischer Brauerbund eV, I-5491 (ECR 2009).
 Budweiser, IIC 676 (Corte Suprema di Cassazione 2003).
 Carl Kühne and Others v. JütroKonservenfabrik GmbH & Co. KG, I-9517 (ECR 2001).
 Commission of the European Communities v. Ireland ([1982] ECR 4005
 Consorzio del Prosciutto di Parma and Salumificio S. Rita SpA v Asda Stores Ltd and Hygrade Foods Ltd, C-108 (EUECJ 2003).
 Krnenbourg Brewis v. Budějovický Budvar Národní Podnik, RG 2002/4572 (Tribunal de Grande Instance of Strasbourg 2004).
 SA v. LOR SA and Confiserie du Tech SA, I-5529 (ECR 1992).
 EU Regulations
 Council Regulation No. 2081/92
 Council Regulation No. 510/2006
 Council Regulation No.1151/2012
 Books
 Gangjee, D. S. (2016). Relocating the Law of Geographical Indications. New York: Caambridge University Press.
 Marie-Vivien, D. (2015). The Protection of Geographical Indications in India : A Perspective on the French and European Experience. New Delhi: Sage.
 Real, A. C. (2005). The Conflict between Trademarks and Geographical Indications: The Budweiser Case in Portugal. In C. Health, & A. K. Sanders, New Frontiers of Intellectual Property Law: IP and Cultural Heritage, Geographical Indications, Enforcemennt, Overprotection (p. 149). US and Canada: Hart.
 Journal Articles
 Addor, F., & Grazioli, A. (2002). Geographical Indication Beyond Wines and Spirits: A Road Map for Geographical Indications in the WTO TRIPs Agreement. The Journal of World Intellectual Property, 865-897.
 Bier, F.-K. (1994). Case Comment: Court of Justice-Caase No. C-3/91 "Turrón". IIC, 73,81.
 Marie-Vivien, D. (2013). Protection of Geographical Indications for Handicrafts or How to Apply the Concept of Human Factors or Natural Factors. The WIPO Journal, 191-205.
 Srivasta, S. (2003). Geographical Indications and Legal Framework in India. Economic and Political Review, 4022-4033.
 Wyatt, D. (1975). Free Movement of Goods and Indications of Origin. Modern Law Review, 679-683.
 Other
 GATT. (1988). Guidelines and Objectives Proposed by the European Community for the Negotiations on Trade Related Aspects of Substantive Standards of Intellectual Property Rights. GATT DOC. MTN.GNG/NG11/W/26.
 INAO. (2005). GI Applicant's Guide. INAO.
 UNCTAD-ICTSD. (2005). Resource Book on TRIPS and Development. Cambridge University Press.
 WIPO. (2002). The Definition of Geographical Indications. Geneva: WIPO.