

GEOGRAPHICAL INDICATIONS for the Protection & Promotion of Authentic Products of JAMAICA



**Marcus Goffe
Deputy Director/Legal Counsel (Acting)
Jamaica Intellectual Property Office
Ground Floor, JAMPRO Building
18 Trafalgar Road, Kingston 10
www.jipo.gov.jm**

Outline

- Experiences with national collective, certification and other origin-based TMs
- Leading Jamaican GIs
- Case Study - Blue Mountain Coffee
- Case Study – Jamaica Rum
- Case Study – Jamaica Jerk
- Registrability (Protection of GIs Act)
- Benefits of GI protection
- The GI process

What is a GI?

- Protection of Geographical Indications Act, 2004 (Jamaica):
 - a “*Geographical Indication*” is “*an indication which identifies a 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.*”

GI protection

- A GI offers protection to producers of agricultural and agricultural-based goods, which have a link between the place of origin of the product, and the quality, characteristic or reputation of the product.

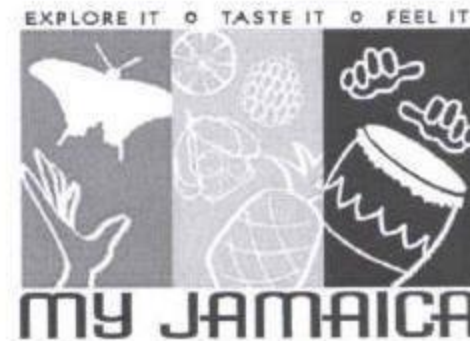
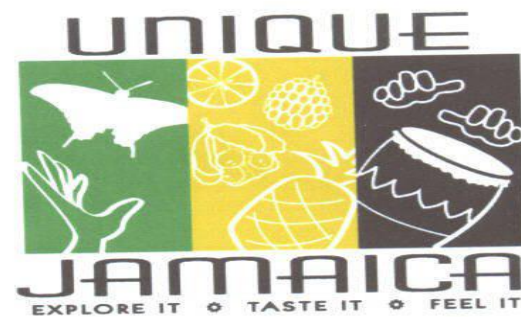
Jamaica Exporters Association (JEA)

- The JEA is a non-governmental members association established in 1966 to promote and support the growth and development of the export sector in Jamaica
- The four Collective Marks owned by the JEA are managed by The Competitiveness Company (TCC)

JEA Collective Marks



JEA Brand Jamaica TMs



The Competitiveness Company (TCC)

- TCC was established in 2005 as a subsidiary of the JEA to “enhance the competitiveness of Jamaican firms, ensure that Jamaican products can command a premium in the market place and move Jamaican exports up the value chain.”
- TCC has four (4) collective marks and five (5) certification marks registered at JIPO

TCC Certification Marks

- Certification marks were eventually developed for processed ackees, Jamaican jerk seasoning and sauces, scotch bonnet pepper, honey and bammies.
- A generic food mark and a non-traditional tourism mark were also developed and registered
- Collective marks were developed and registered for wearable art, visual arts, fresh produce and boutique agribusiness

TCC Certification Marks



TCC Certification Marks

- The Regulations governing use of the marks limit their application to “goods which are of Jamaican origin and have been manufactured in Jamaica in conformity with the standards outlined in the Jamaica Certification programme covering the particular good to ensure that it is safe, unadulterated, or premium quality and authentically Jamaican.”

Bureau of Standards Jamaica (BSJ)

- The BSJ is a statutory body established by The Standards Act of 1969 to promote and encourage standardization in relation to commodities, processes and practices and to provide services in relation to conformity assessment (certification, inspection and testing, and calibration) and metrology.

BSJ Certification Mark

- In 2008 BSJ developed the “Jamaica-Made” Certification Mark “to create a significant competitive advantage for authentic Jamaican products, to strengthen consumer confidence in the authenticity and quality of Jamaican products locally and internationally and to provide economic benefits to local manufacturers.”
- The mark was registered in 2009 in all 45 classes.

BSJ Certification Mark



BSJ Certification Mark

- Only products made in Jamaica utilizing at least 51% Jamaican raw material, or if the principal raw material is not made in Jamaica, which have at least 70% local input, and which have been produced in keeping with the relevant specifications and checked for quality assurance, are eligible for certification.

BSJ Certification Mark

- The Standard Marks (Amendment) Regulations 2008 define “*Jamaica raw material*” as those components originating solely from Jamaica, used in its natural, modified or semi-processed state, as an input to a production process for subsequent modification or transformation into a finished good, or used as a finished good;
- “*Jamaican input*” is defined as all physical and measurable input originating in Jamaica including labour, raw materials, additives and processing.

Jamaica Business Development Corporation (JBDC)

- The JBDC specialises in providing business and technical support services for a wide range of Jamaican enterprises, from startups to established businesses.
- In 2004 JBDC applied to register its certification mark “Jah Mek Yah Born Yah Product”.
- It is now registered in 22 classes.

JBDC Certification Marks



JBDC Certification Marks

- Regulations prescribe that it may only be used by persons carrying on or intending to carry on business in the manufacture, processing, packaging, purchase, sale, or exportation of ‘authentic Jamaican products’.
- ‘Authentic Jamaican product’ is defined as a product which is produced in Jamaica utilising manual or mechanical techniques; utilises at least 60% Jamaican raw materials; is produced by a Jamaican citizen or a Jamaican company; meets national quality standards; and has consistent quality and supply.

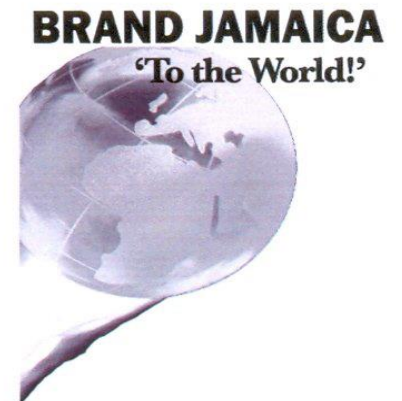
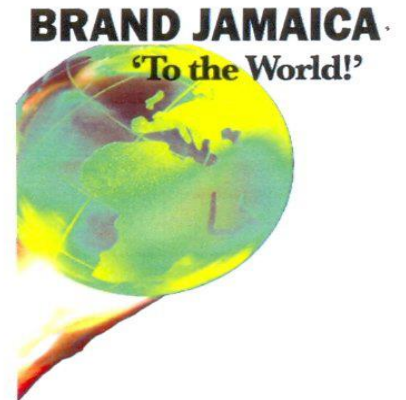
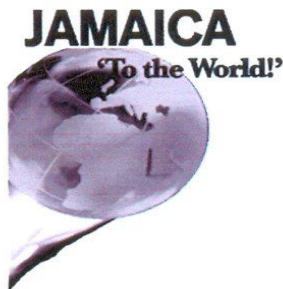
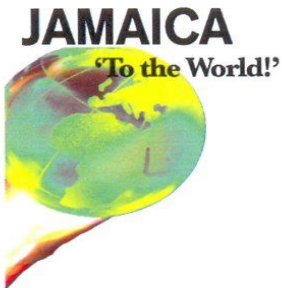
Jamaica Promotions (JAMPRO)

- JAMPRO is Jamaica's investment and export promotion agency established in 1988 “to stimulate, facilitate, and promote the development of trade and industry, and export and investment activities in all sectors of the island's economy.”

JAMPRO trade marks

- In 2006 JAMPRO registered its Brand Jamaica trade mark in 15 classes, including advertising, business management, insurance and financial affairs, telecommunications, transport, packaging and storage of goods, education, entertainment, sporting and cultural activities, food and accommodation services, and medical, cosmetic, agriculture, horticulture and forestry services.
- These are regular TMs & have no criteria for use.

JAMPRO Brand Jamaica TMs



3 leading Jamaican GIs

- Blue Mountain Coffee
 - Coffee Industry Board
- Jamaica Rum
 - Spirits Pool Association
- Jamaica Jerk
 - Jamaica Jerk Producers' Association

Jamaican Geographical Indications



Special qualities linked to geographical origin



Case Study – Blue Mountain Coffee



Case Study – Blue Mountain Coffee

- Coffee introduced to Jamaica in 1728
- Coffee cultivation spread into the Blue Mountains which spans 3 parishes – Portland, St. Thomas & St. Andrew
- 1948 - Coffee Industry Regulation Act passed which established the Coffee Industry Board. The Board started operations in 1950.

Coffee Industry Board of Jamaica

- Certification and Control – “From Seed to Cup”
- Distributes seeds to coffee nurseries
- Registers and monitors coffee nurseries
- Registers coffee farmers & monitors farms
- Trains coffee farmers and processors
- Licenses and monitors processors, dealers
- Certifies & grades the coffee for export

Link to Territory

- Climatic and Soil Conditions
 - The altitude
 - The type of mountain range
 - The type of soil
 - The high level of rainfall
 - Effect of the trade winds
 - The presence of mist
 - The cool temperature

Jamaica Coffee Certification Marks





Blue Mountain Coffee Certification Marks

- The BMC mark is registered in approximately 51 countries as a certification mark.
- In jurisdictions where certification marks are not permissible, Blue Mountain coffee is registered just as a trademark.

Coffee Certification Marks

- According to the CIB, the annual cost of trademark protection is in the range of US\$ 250,000 to US\$ 400,000
- This includes cost of registration in other countries, cost of hiring monitoring companies, cost of legal challenges and litigation, and the cost of salaries for full time administrators and a legal officer.

Case Study – Jamaica Rum



Case Study – Jamaica Rum

- Jamaica has produced traditional rums in Pot Stills since the 17th century
- 1893 – 148 rum distilleries in Jamaica
- By the end of the 19th century, sugar production had become a by-product of rum production
- Jamaica produces the widest varieties of rum in the world, from the very light low ester rums, to the heavy, traditional continental-flavoured rums

Spirits Pool Association Ltd.

- The Spirits Pool Association Ltd. was established in 1932. It is owned by all the distilleries.
- Aim to keep rum supply and demand in equilibrium and stabilise prices.
- Filed application to register “Jamaica Rum” GI at JIPO in April 2016

Link to Territory

- Locally grown sugar cane
- Fermented using water that has been filtered naturally through Jamaica limestone
- Other additives to give distinctive flavour

Case Study – Jamaica Jerk



Case Study – Jamaica Jerk

- Jerk as a way of seasoning and cooking meat historically attributed to the indigenous Tainos and the Maroons in Jamaica
- Today jerk is internationally renowned as a style and taste of seasoning, preparation and sauce for meat and other foods.

Jamaica Jerk Producers' Association

- Registered in 2014
- Comprises several major jerk seasoning/sauce producers in Jamaica
- Aim to bring together jerk producers to set standards, code of practice and control manual for protection of authentic Jamaica jerk.
- Sept. 2015 – “Jamaica Jerk” registered as a GI at JIPO

Link to Territory

- Uniquely Jamaican process
- Specific ingredients grown and processed in Jamaica

Supply Chain - Farmers



Supply Chain - Manufacturers

- Associated Manufacturers
- Fiwi Foods
- Goshen Distributors
- GraceKennedy
- Johnny McFarlane dba Postharvest Associates
- King Pepper Products
- Tijule Company



Supply Chain - Distributors

- Switzerland
- The Netherlands
- The United Kingdom
- The United States of America



Markets/Consumers



Code of Practice

- Scope
- Geographical Area
- Ingredients (Seasoning & Sauce)
- Processing/Manufacturing
- Product Testing (SRC & BSJ)
- Labeling
- Misuse of GI

Control Manual

- Objectives
- Supply Chain
- Manufacturing
- Certification Body (NCBJ)
- Governance of the Association
- Code of Practice

Impact - Costs

- *From membership fee:*
 - Registration of Association: **J\$24,000**
 - Application for GI mark to JIPO: **J\$30,000**
 - Gazette Extraordinary: **J\$3,900**
 - Application for GI mark in EU: **Free of cost**
 - Annual membership with **oriGIn**: **US\$1,800**

Collaborative Marketing

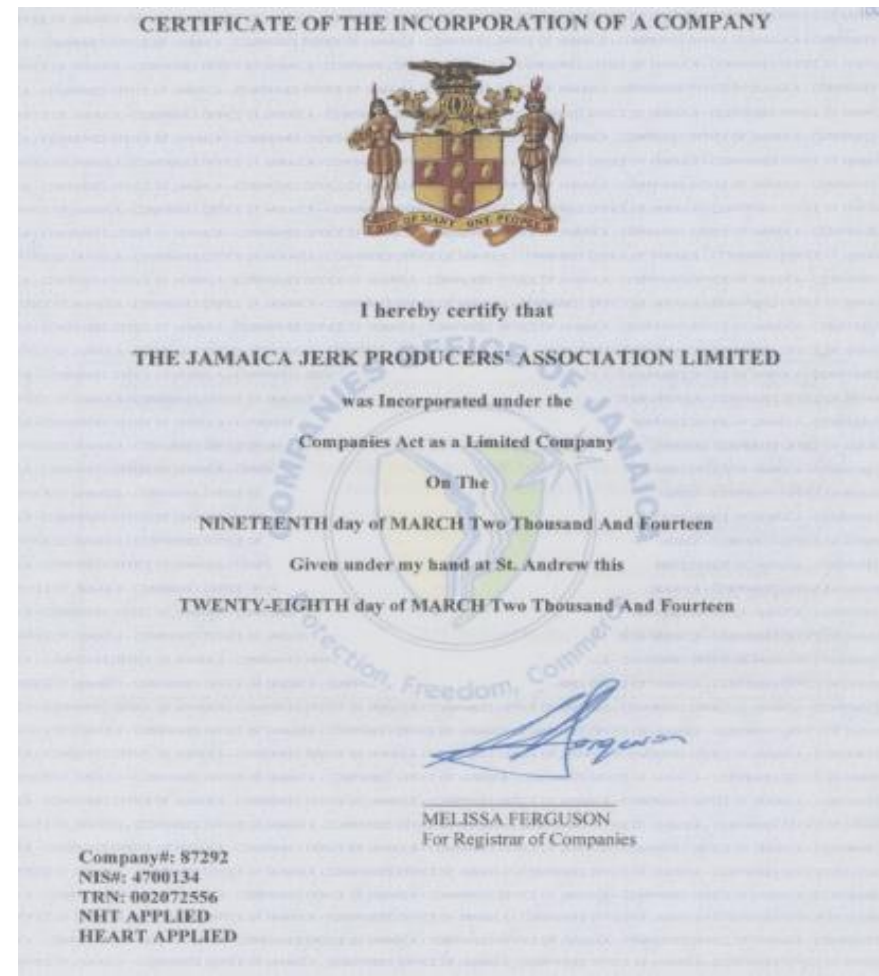


Control System


- The National Certification Body of Jamaica (NCBJ) is the independent **certification body**.
- The Bureau of Standards Jamaica (BSJ) will provide independent **evaluation** services to ensure conformity with the specifications.
- Facilities used by the members of the JJPA must be registered with the BSJ and all required certificates (CAP/HACCP/GMP) must be current.


Jamaica Jerk Producers' Association (JJPA) Historic Milestones

- Incorporation of JJPA
 - Wed, Mar 19, 2014
 - Filing date: Mon, May 12, 2014
 - Published application: Tue, June 16, 2015
 - Registration 30/9/2015



Jamaica Jerk GI registration




Jamaica Intellectual Property Office

JAMAICA INTELLECTUAL PROPERTY OFFICE
18 TRAFALGAR ROAD, KINGSTON 10, JAMAICA

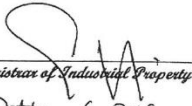
THE PROTECTION OF GEOGRAPHICAL INDICATIONS ACT, 2004
THE PROTECTION OF GEOGRAPHICAL INDICATIONS REGULATIONS, 2009

Certificate of Registration of Geographical Indication
(pursuant to Section 10(9))

In accordance with section 10 of the Act it is hereby certified that a geographical indication having the Registration No. GI/001 has been registered in the name(s) of **THE JAMAICA JERK PRODUCERS' ASSOCIATION LIMITED**, of **16 North Avenue, Kingston 10, Jamaica**, on September 30, 2015, in respect of a geographical indication registered pursuant to an application filed on May 12, 2014 being a geographical indication used for jerk seasoning and jerk sauces and which applies to Jamaica.

A description of the quality, reputation or other characteristic of the goods for which the geographical indication is used and any conditions under which the indication may be used accompanies this certificate.

JAMAICA JERK


for Registrar of Industrial Property
October 6, 2015
Date

GI registrability criteria

- Protection of Geographical Indications Act 2004
- Protection of Geographical Indications Regulations 2009
- Quality or reputation of product is specifically linked to a geographical location
- Applicant must be producer/group of producers
- Application must contain specified quality and procedural standards
- J\$30,000.00
- Approval and registration
- Valid indefinitely so long as link to geographical location maintained

Designation as Protected Geographical Indication of Jamaica



Benefits of GI protection

- GIs protect:
 1. reputation of the product acquired and maintained due to the connection to the geographical location.
 2. quality standards of the product
 3. against misleading terms like “Jamaica-style”, “Jamaica-kind” and “Jamaica-type”

Benefits of GI protection

Protection against misleading TMs

Where a TM consists of a GI and the use of the GI in the TM is likely to mislead the public as to the true place of origin of the product, the TM may be refused or revoked.

Benefits of GI protection

- Assists consumers to determine the quality of a product &/or of the production process
- To differentiate authentic from the fake
- Many consumers willing to pay more
- Promotion of regional tourism
- Assists MSMEs to develop a competitive advantage in international markets

Benefits of GI protection

- The livelihood of producers can be protected under a GI mark.
- The GI mark can contribute significantly to the profits of farmers, manufacturers & distributors.
- Marketing opportunities through engagement of GOJ/JAMPRO in key foreign markets.

Benefits of GI protection

- Protection of GIs in Switzerland
- Protection of GIs in EU
- Organization for International Geographical Indications Network (**oriGIN**) - assists producers worldwide in policing their GI marks.

Thank you for your attention.

***For further information
contact:***

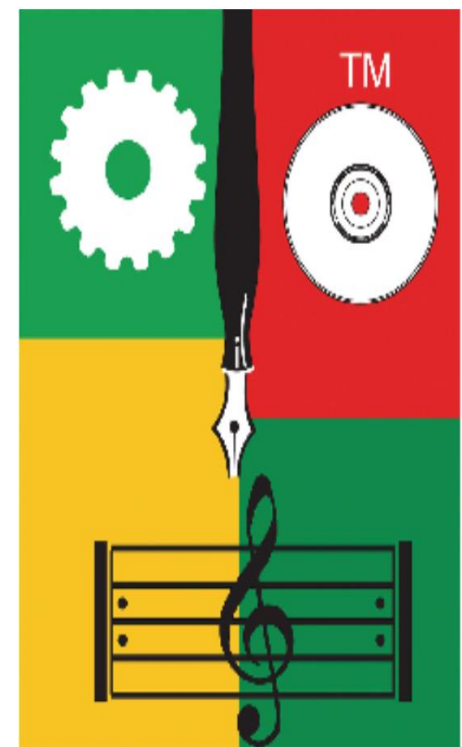
WWW.JIPO.GOV.JM

Phone: [876].946.1300

marcus.goffe@jipo.gov.jm

For GI Manual:

http://www.jipo.gov.jm/sites/default/files/PDF_files/MANUALS/gimanual.pdf



JIPO

Jamaica Intellectual Property Office