



**Western Cape
Government**

Agriculture

BETTER TOGETHER.

GI: SETTING THE SCENE

NAMC Workshop

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Elsenburg

1 March 2017

GI: Setting the scene



- **CONTEXT**

- **ECONOMIC PARTNERSHIP AGREEMENT (EPA)**

- **AFRICAN UNION GI STRATEGY**

A Geographical Indication (GI)

'n GI is:

- A product whose unique quality can directly be associated with the area and people with which produces it.

Examples:

- Champagne (France)
- Parmaggianno Reggiano (Italy)
- Rooibos
- Heuningbos
- Karoo Lamb

Also?:

- South African Olive Oil?
- Cape Flora?
- Karoo / Cape Ostrich leather/meat?
- Cape Aloe / South African Aloe?
- Biltong?



Arguments for a GI

- Protection against usurpation
 - Protection of specific names
 - Protection of identity
 - Protect a “common good”
- Economic benefits
 - Product differentiation
 - Price premium / shelf space
 - Marketing of a region
 - Regional identity

A GI is not:

- It is not a trademark
- It is not a brand
- It cannot be owned by one company or person
- It cannot be disassociated from the area.
- It cannot be sold.

Components of a GI

A successful GI should have:

The Artifact

- Product
- Place
- People

The System

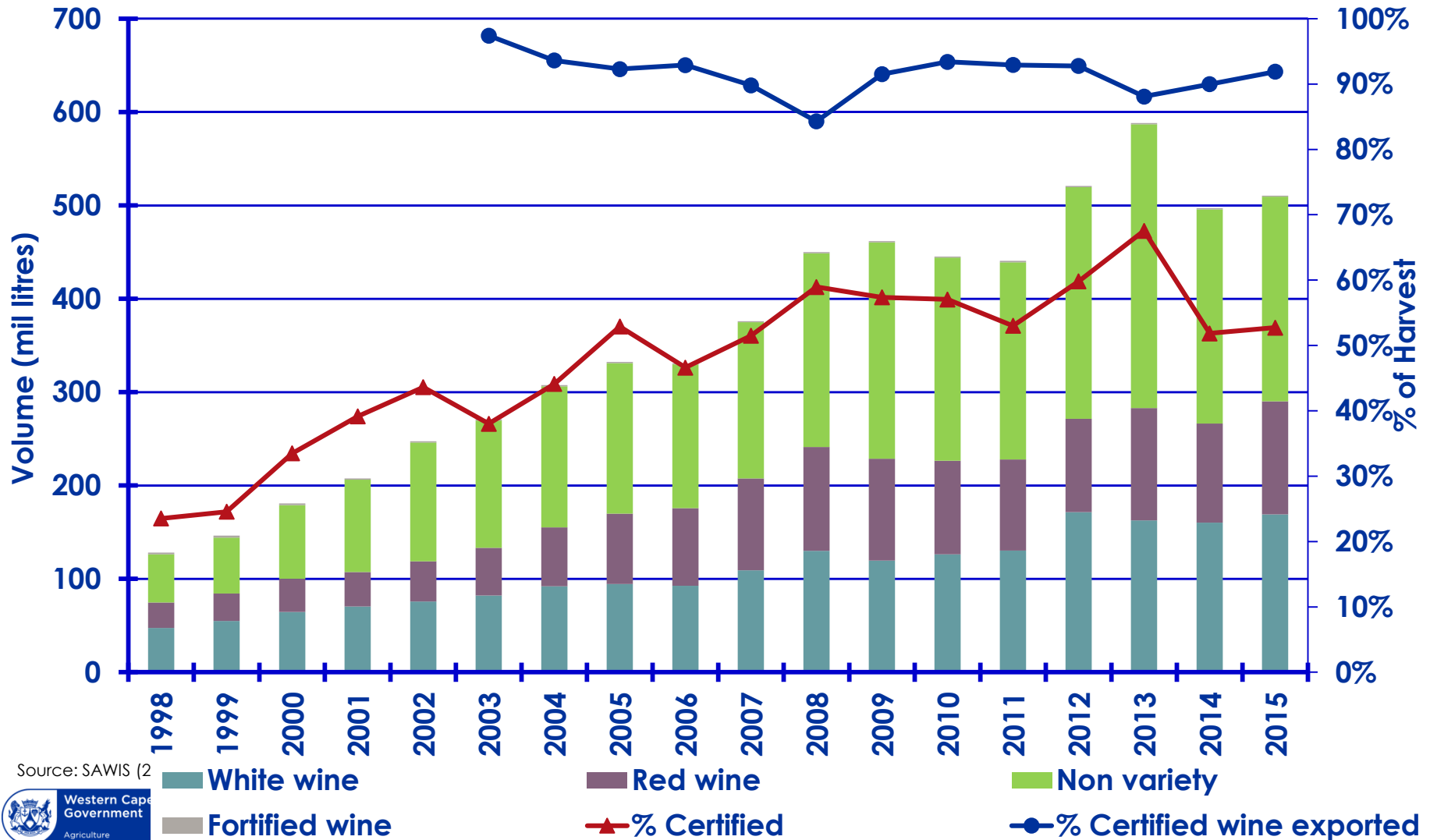
- Institutional framework
- Value chain

The Demand

- Consumer
- Quality perceptions
- Secondary market

Wine Industry: Certification

Farmers will only pay for certification if they consider it worth the while



Source: SAWIS (2012)



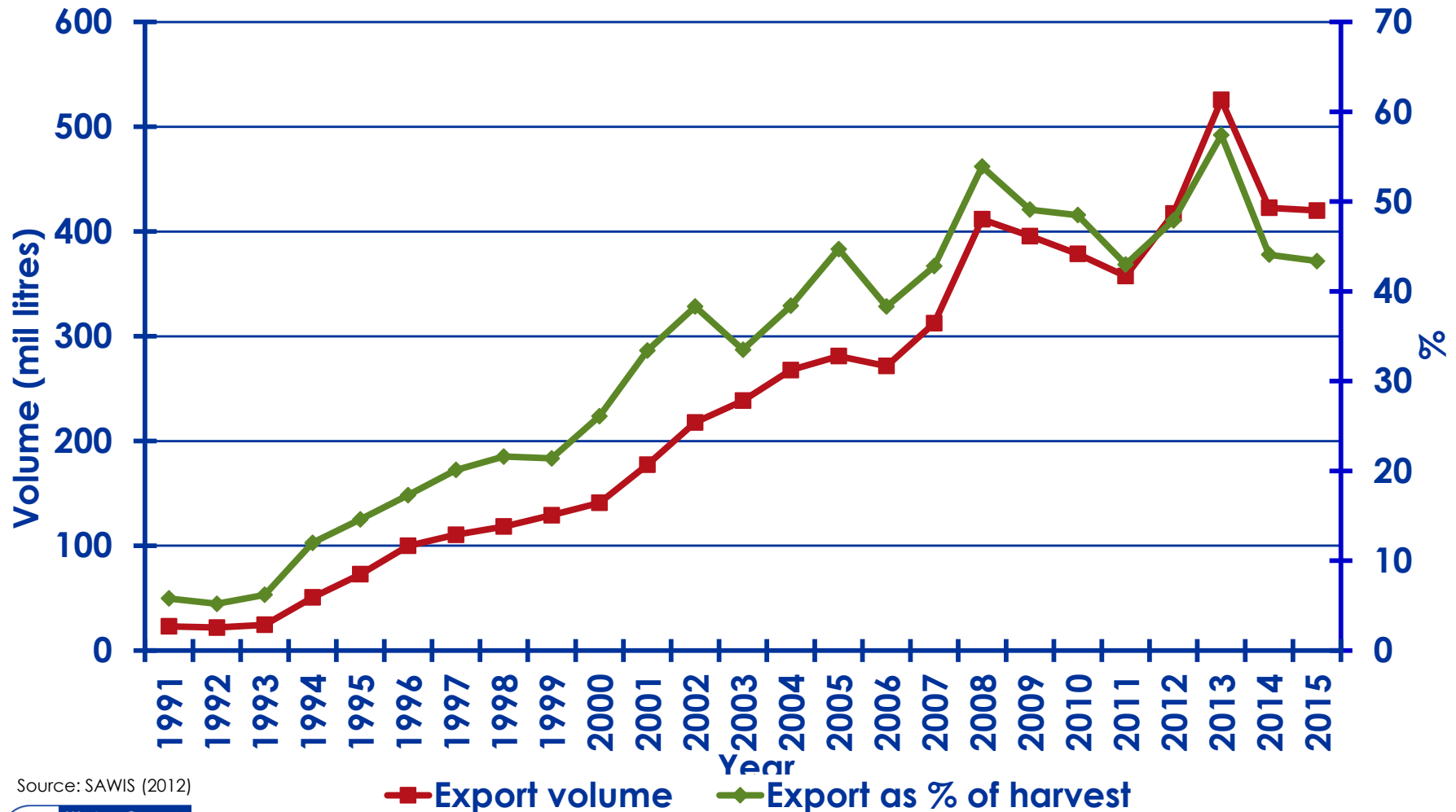
White wine
Red wine
Non variety
Fortified wine

% Certified

% Certified wine exported

Wine Industry: Export growth

Highly competitive, but dependent on the export market



Source: SAWIS (2012)



GI: Setting the scene



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- **ECONOMIC PARTNERSHIP AGREEMENT (EPA)**

The economic partnership agreement (EPA)

- To replace the Cotonou Agreement
- SA Part of the SACU EPA group
 - Problem: Nothing to purchase better market access
- Implemented on 1 November 2016
- GI is an addendum to the Agreement (only SA – others may follow)
 - Provide for the in-principle mutual protection of GI
- Exchange of lists has taken place.
 - EU list published in Government Gazette of 4 February 2014 for comment
 - Wine
 - Olives
 - Cheeses
 - SA list published in EU Official Journal of 22 February 2014.
 - Mostly wine (102)
 - Also Rooibos and Honeybush
 - “Karoo Certified Meat of Origin”
- List open for additional products

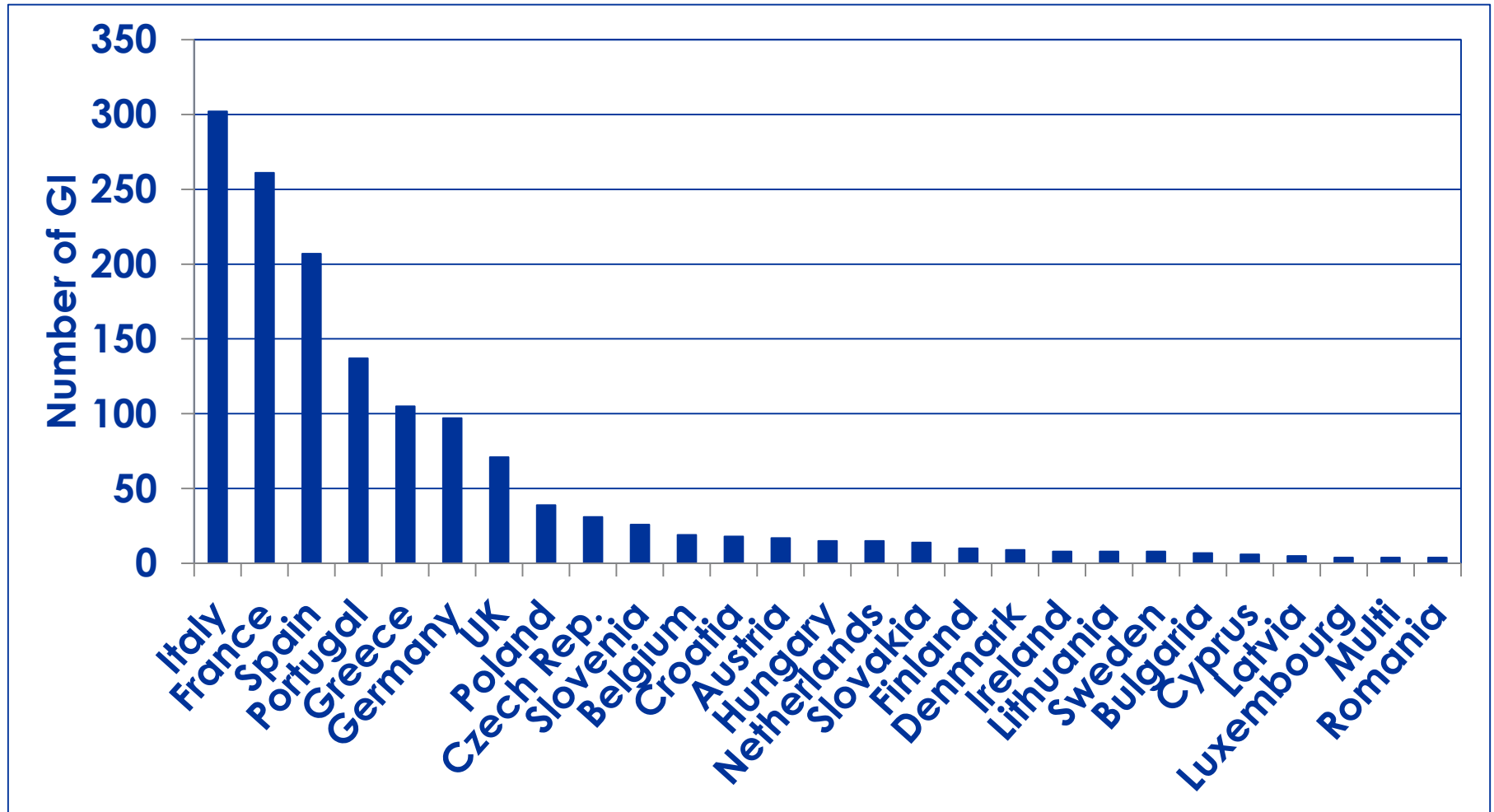
GI IN THE EU

- *Sui generis* system
- Country and EU institutions in place
- Government take responsibility to police and prosecute
- More than 3 000 products
- Allow for third country registration (Café de Colombia was first)
- EU Parliament took decision that no FTA without GI clause will be ratified



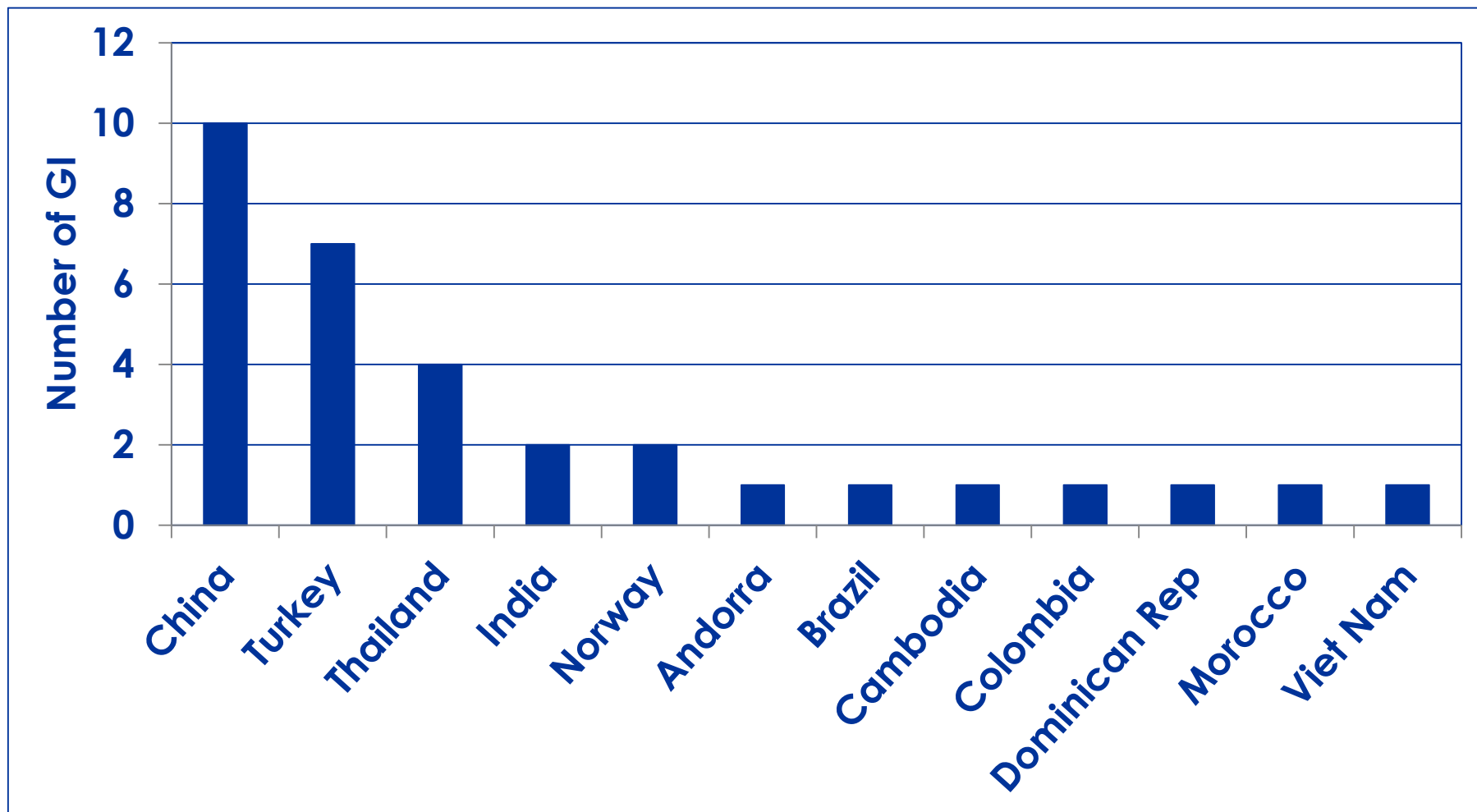
Non-Wine GI in the EU

(n 1 447)



Non-Wine GI registered in the EU by non-EU countries

(n 32)



Industries engaged in the Duras Project



Industries currently participating

Products currently being explored by the WCDOA:



Process to be followed

- Industries/areas need to take a decision whether they want to pursue this opportunity.
 - If they want to, domestic protection is required.
 - Wine: Liquor Products Act (60 of 1989)
 - Other (interim): Merchandise Marks Act (17 of 1941)
 - Eventual: Agricultural Product Standards Act (Act 119 of 1990)
 - To this end, the elements of protection needs to be documented
 - i.e. a product description needs to be developed.
 - Done by Industry, but the WCDOA is prepared to support industries
 - After product description, request DAFF or DTI for protection.
 - Publication in Government Gazette, etc.
- If EU GI Certification is to be explored:
 - Industry to write a letter to DTI and request inclusion in EPA.
 - DTI inform their counterparts in EU and Published in Journal of EU
 - 2 Months period for comments and EU evaluate comments.
 - If approved, DTI request inclusion in register

The elements of a product description

- Applicant
- Name
- Description of the product
 - Type of product
 - Description of the product
 - Raw materials (for processed products)
 - Specific production steps that must take place in the geographical area.
 - Specific rules concerning slicing, grating, packaging, etc.
 - Specific rules concerning labelling.
 - Inspection and control structure
- Concise definition of the geographical area.
- Link with the geographical area.
 - Specificity of the geographical area
 - Specificity of the product
 - Reputation of the product
 - Causal link between the area, quality, reputation & other characteristics

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The AU Policy on GI

- Road to date:
 - Draft developed during 2015.
 - Draft consultation (31 May to 2 June 2016 in Benin)
 - Draft finalisation and work commence on action plan (22-25 November 2016 in Nairobi).
 - Further action plan discussion during August 2017 in Harare.
- The outcomes envisaged:
 - An African vision on GI
 - Legal and institutional frameworks
 - Development and registration of GI products as pilots
 - Market development for GI products
 - Research, training and extension regarding GI.
 - Stakeholder awareness
- It is proposed that 16 pilot projects should be supported:
 - 4 from members aligned to ARIPO
 - 4 from members aligned to OAPI
 - 4 from non-aligned members (e.g. South Africa)
 - 4 cross-border GI (e.g. “biltong”)
- Should South Africa participate in the pilot projects?

REPUTATION WITHOUT PROTECTION = DISASTER





Informationen

zur Marke 30771119, Stand 28.04.2010

Die Marke mit der Registernummer **30771119** ist mit den folgenden Angaben in das Register des Deutschen Patent- und Markenamts eingetragen.

Die Schutzdauer der Marke beginnt mit dem Anmeldetag und endet am 31.10.2017. Eine Verlängerung um jeweils 10 Jahre ist gemäß § 47 Markengesetz möglich.

Informationen zur Marke 30771119, Stand: 28.04.2010

[-----] **Datenbestand:** DE

[111] **Registernummer:** 30771119

[210] **Aktenzeichen:** 30771119

[540] **Wiedergabe der Marke:** Biltong

[550] **Markenform:** Wortmarke

[220] **Anmeldetag:** 29.10.2007

[151] **Tag der Eintragung im Register:** 12.02.2008

[730] **Inhaber:** Franken, Louw, 10317 Berlin, DE; Ruscheniko, Anton, 10439 Berlin, DE

[750] **Zustandsetzer:** Herr Anton Ruscheniko, Kanzowstr. 8, 10439 Berlin, DE

[-----] **Version der Nizza-Klassifikation:** NCL9

Biltong in the UK



Beef Biltong

Showing 1-10 of 13 results

Default sorting ▼



Award-winning Original Beef Biltong

★★★★★

£3.40-£34.00



Fiery Chilli Beef Biltong

£3.40-£34.00



Zingy Peri-Peri Beef Biltong

£3.40-£34.00



Sweet & Spicy Chilli-Chutney Beef Biltong

£3.40-£34.00



Piquant Pepper Beef Biltong

£3.40-£34.00



Beef Biltong Sprinkle

£5.10



Biltong gewild in VSA danksy Suid-Afrikaner

Nadine Theron

"Is dit 'n bul se tong?" vra Amerikaners wanneer Ben en Emily van den Heever hulle aan biltong voorstel.

"Die uitspraak van die woord is die grootste struikelblok," sê Ben van den Heever, medestigter van Brooklyn Biltong. "As hulle eers daardie deel onder die knie het, is hulle gou oorgehaal."

Die voorstad Brooklyn (en veral Williamsburg) in New



Ben en Emily van den Heever maak biltong gewild in Amerika.

pie kry nie. "Ek wens dit was in die troukoek!" sê Emily.

Die volgende dag, toe die egpaar die oorskiet-troukos aan verbygaande haweloses van hul stoep af uitgedeel het, het dit hulle getref: Biltong is voedsaam, dit bevat baie proteïene en dit bedarf nie vinnig nie.

"Almal wat biltong proe, kan nie weer teruggaan na gewone beef jerky nie," sê Emily in die video.

Voordat hulle hulle

Thank you
Dankie
Enkosi

Contact Us



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BETTER TOGETHER.

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