

# 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
- terroir* 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
- AICs. *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

- appellations of origin  
   in Geneva Act, 441–42  
   in Lisbon Agreement, 23–27, 441–42  
   in TRIPS, 442–45  
   in Vietnam, 314, 320
- AOSIQ 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, 164
- 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), 387
- 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, 119  
     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  
 business practice laws, in Sri Lanka, 412–13,  
     415–17  
  
 CAA Act of 2003. *See* Consumer Affairs  
     Authority Act of 2003  
 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  
         Hạ Long fried calamari, 321–24, 330  
         Lạng Sơn star anise, 324–27  
 CBD. *See* Convention on Biodiversity  
 certification marks, 137–38  
     for Cognac, 138–41  
     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  
     Lạng 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, 230–33, 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

- under *sui generis* regimes, 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
- 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
- Clery, 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 Affairs Authority Act of 2003 (CAA Act of 2003) (Sri Lanka), 416
- Consumer Protection Act 1999 (CPA 1999) (Malaysia), 287, 301
- consumer protections, in Sri Lanka, 415–17
- contemporary reputation-based GIs, 55–56
- Convention for the Safeguarding of the Intangible Cultural Heritage (CSICH) (2003), 21, 461–62
  - 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
- CPA 1999. *See* Consumer Protection Act 1999
- 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  
 PGI 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, 363–65
- design registration, in India, 61
- Desseuve, 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
- DSU. *See* dispute settlement understanding
- Dumbara mats, 427–28
- Dusong, Jean-Luc, 205–6, 207
- Dutfield, Graham, 487
- EC. *See* European community
- ECHR. *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

- 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, 137–41  
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

- 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
- localized 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 Asia, 190–91
  - in EU, 38
  - 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, 62–63
- 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
  - 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
  - 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, 224–28
  - 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 2081/92, 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



- 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, 241–45
- trademarks under, 242
  - owners of, 251–53
- users of signs, 253–54
- Geographical Indications Act 2000 (GIA Act 2000) (Malaysia), 281–83, 287–96
  - 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, 196
- 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

- GI Act 2013. *See* Geographical Indication (Registration and Protection) Act 2013
- GI Rules. *See* Geographical Indication of Goods Rules of 2002
- GIA Act 2000. *See* Geographical Indications Act 2000
- GIs. *See* geographical indications
- gluten-free labels, 72
- Government Regulation No. 51/2007 (Indonesia), 498–99
- Greek Yoghurt case, 42, 43, 209
- green GIs, 118–19
- Guatemala, FTAs and, 178–79
- Hà 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, 521
- 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
    - Lạng Sơn star anise in, 326–27
    - liquor production in, 84–86
      - for Feni, 80–83
    - patent applications in, 61
    - PDOs, 341–42
    - PGLs, 338, 341–42
    - quality for, relevance of, 336–39
    - 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, 349–50
    - 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, 119–20
    - collective marks and, 120
    - FPIC of, 119–20
    - 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

- 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, 483  
 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, 469–74  
 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, 469–74  
   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, 169–70  
   ISDS and, 169–70  
   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 derecognition 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
- IP Act of 2003. *See* Intellectual Property Act of 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, Ance!, 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
- Kolia, 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  
 GIA 2000 in, 281–83, 287–96  
 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 2011 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

- 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 20 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  
 patents  
   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 system  
 price range system (PRS), 178–79  
 prices, GIs as influence on, 124  
 Product Quality Law (China), 395  
 property rights, under CSICR, 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 GIA Act 2000, 289  
   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 GIA Act 2000, 289–91  
   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, 329  
 Regulation 510/2006 (India), 340  
 Regulation 1151/2012 (India), 189–91, 340  
 Regulation 2081/02 (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 1938 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 20, 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, 428–30  
 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  
 IP Act of 2003 in, 415–16, 418, 419–20, 426, 428  
 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  
*sui generis* regimes in, 414–15, 419–20, 434–35, 445  
 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), 380–81
- 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  
 AQSIO 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 Sri Lanka, 414–15, 419–20, 434–35  
 in Taiwan, 378  
 TPP and, 142  
 TRIPS and, 449  
 in Vietnam, 308, 312  
 sustainable, as label, 72  
 swidden agriculture, 97–102  
 biomass 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, 363–65  
 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 dereistic 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  
 Taiwan Intellectual Property Office (TIPO), 360–61, 364–65, 372, 373–74  
 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, 92–93  
 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  
 TM Law 1993. *See* Trade Mark Law of 1993  
 TM Law 2001. *See* Trade Mark Law of 2001  
 TM Law 2013. *See* Trade Mark Law of 2013  
 TMA 1976. *See* Trade Marks Act 1976  
 TMA 2003. *See* Trade Mark Act 2003  
 TMA 2012. *See* Trade Mark Act 2012  
 Tobacco and Alcohol Administration Act (Taiwan), 360–61  
 Togo, 196  
 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 2001 (TM Law 2001) (China), 383  
 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, 381–87, 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, 130–31
    - 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, 363–65
    - 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

- UNESCO. *See* United Nations Educational, Scientific and Cultural Organization
- unfair competition  
 under Anti-Unfair Competition Law, 395  
 Inter-American Convention and, 216–17, 218  
 Paris Convention and, 218  
 reputation-based GIs and, 45–47
- United Nations Commission on International Trade Law (UNCITRAL), 180–81, 182
- United Nations Conference on Trade and Development (UNCTAD), 337
- United Nations Educational, Scientific and Cultural Organization (UNESCO), 21, 440–41  
 cultural diversity and, 470–71  
 ICH and, 461–62
- United States (US). *See also* General Inter-American Convention for Trademark and Commercial Protection
- Australia-United States Free Trade Agreement, 279
- AVAs in, 64
- FTAs with, 222
- GIs in, 165–67  
 incompatibilities in, 167
- Lanham Act in, 140, 342–43
- protection of GIs in  
 comparisons with EU, 224–28  
 history of, 212–14  
 legal approaches to, 227–28  
 under trademark law, 227–28
- terroir* and, for wine making, 64
- Trademark Act in, 213, 220
- trademarks in, 138
- under TTIP, 212
- wine making in, 64
- US-Singapore Free-Trade Agreement, 166–67, 254
- usurpation, 127
- van Caenegem, William, 149, 261
- Vietnam, GIs in  
 appellations of origin and, 314, 320  
 case studies for, 320–27  
 Hà Long fried calamari, 321–24, 330  
 Lạng Sơn star anise, 324–27
- Civil Code of Vietnam, 320
- collective action dynamics in, 310, 331
- collective marks in, 328–29
- commercial channels for, 330
- development and establishment of, 305–10
- EU-Vietnam Free Trade Agreement, 169, 305
- institutional frameworks for, 309–10, 328–29
- IP Law in, 313–14
- legal frameworks for, 309–10, 328–29  
 under Lisbon Agreement, 313
- marketing channels for, 330
- NOIP and, 311–12
- OLPs and, 310
- PGIs in, 315
- qualitative methodology approach to, 311–12
- registration of, 312–20  
 criteria requirements, 312–14  
 product types and, 314–15  
 public policies for, 318–20  
 as state-driven top-down process, 316–18, 329
- socio-economic development through, 308–9, 320–27
- sui generis* systems and, 308, 312
- trademarks in, 328–29
- Vietnam Intellectual Property Law, 311–12
- West, Paige, 84–85
- wine GIs, in Australia, 260–66  
 communities and, 277–78  
 costs of, 267–68  
 enforcement procedures for, 266–67  
 in Granite Belt, 274–76, 280  
 quality standards for, 277–78  
 reciprocal spillovers for, 280  
 size of region for, 263–65, 274–76  
 in Tasmania, 271–72
- wine labeling, laws on  
 in France, 10–11  
 in Taiwan, 362
- wine making  
 in Australia, 260–66  
*terroir* and, 63, 164
- AVAs and, 64
- bilateral trade agreements for, 192–93
- terroir* and, 62–65  
 in Australia, 63, 164  
 in France, 62–63  
 in United States, 64
- WIPO. *See* World Intellectual Property Organisation
- women  
 in alternative food networks, 118

- 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