

Major Research Paper - API 6999

The Externalization of Geographical Indications' Protection in the European Union's Trade

Policy: A Three-step Process.

Sarra Ben Khelil

Student ID: 300017426

Supervised by Dr. Patrick Leblond

Submitted in partial fulfillment of the requirements for the degree of

Master of Arts in Public and International Affairs

University of Ottawa

November 08, 2021

Table of Contents

1. Introduction	3
1.1 Definitions and Contextualisation	4
1.2 Methodology	8
1.3 Research Structure	9
2. Literature review	10
2.1 History and Rationale of GIs Protection	10
2.2 Pros and Cons for the Protection of GIs	13
2.3 The GI System in the EU	16
3. Analytical Framework	20
3.1 International Trade and Trade Policy	20
3.2 International Trade Theories	21
3.3 Trade Policy Theories	22
3.4 Other concepts	24
4. Analysis	25
4.1 Why Is It So Important for the EU to Protect GIs in its Trade Policy?	25
4.1.1 Product Differentiation, Branding, and Trade	25
4.1.2 Gastronationalism and (or) the Protection of Cultural Heritage?	28
4.1.3 The Economics Behind GI Protection in Europe.	30
4.2 The “How” of GI Exports	32
4.2.1 The Extra-territoriality of the EU’s GI Protection and the Brussels Effect	32
4.2.2 The Export of GIs in EU Trade Agreements	34
4.2.3 The Case of CETA	36
4.3 The Next Step	42
5. Conclusion	45
6. Bibliography	47

Abstract

Geographical indications (GIs) are a distinct type of intellectual property right that protects products originating in specific regions and possessing particular qualities or a reputation linked to the territory of production. Over the past decade, the European Union (EU) has become a world leader in the protection, export, and regulation of GIs. Indeed, all new generation agreements concluded by the EU include a chapter on GIs. Moreover, the EU has gone beyond free trade agreements to protect non-European products in its market and even to become a regulatory center for such protection.

This major research paper (MRP) aims to answer the following questions: Why is it so important for the EU to protect GIs in its trade policy? How does it protect GIs through its trade agreements and beyond? What is next in protecting GIs?

Using secondary data analysis and the Comprehensive Economic and Trade Agreement (CETA) between Canada and the EU as a case study, the MRP finds that the EU has succeeded in creating a commercial niche market characterized by differentiated products that have allowed it to compete in international markets for agricultural products, while preserving the welfare and protecting its traditional know-how and small producers. Nonetheless, for the EU, the benefits of GIs do not stop at defending the product name against “imitations and misrepresentations”, they also include standardizing product quality as well as promoting them to increase their visibility worldwide. In addition, the research has revealed that the export of the GI system is part of a broader framework of exporting European policies and laws, known as the “Brussels effect”.

Lastly, the case of CETA has revealed that there are political implications of a nationalistic nature that fuel the engine of GI policy in the EU and push for a strengthening of this policy under the umbrella of preserving culture and identity.

Key words: Geographical Indications, European Union, CETA, Trade Policy.

1. Introduction

What are the attributes of Parmigiano Reggiano that distinguish it from parmesan? Is Bayonne the only place where Jambon de Bayonne must be produced? Why do some cheeses have the name of a region? The answer to these questions has to do with geographical indications (GIs).

Geographical indications are a type of intellectual property that protects a range of different products, from wine, agricultural products and foodstuffs to pottery and natural resources. The particularity of GIs as a tool of intellectual property is that they reflect a specific region of production, so that the protected products take on the value of the region's specific characteristics. In this sense, geographical indications represent an extraordinary asset for their holders, as they add value to the protected products in order to differentiate them from other similar products on the market.

The aim of this research is to demystify the drivers behind the importance placed on GIs in EU international trade policy and its focus on exporting this protection in its various trade agreements. To do this, we use the Comprehensive and Economic Free Trade Agreement (CETA) that the EU signed with Canada to understand how this export is performed as well as the scope, depth, and mechanisms used to achieve the protection of geographical indications externally. This paper also sheds light on the different ways in which the EU's GI policy has evolved over time: from extraterritorial protection of certain European goods and services to the imposition of this protection in its trade agreements to, finally, extending this protection to non-European products with third countries.

1.1 Definitions and Contextualisation

Geographical indications are names or designations that identify products originating in a specific territory, whose specificity is based on local characteristics, expertise, and knowledge.¹ The World Intellectual Property Organization (WIPO) further defines a geographical indication as follows:

“A geographical indication (GI) is a sign used on products that have a specific geographical origin and possess qualities or a reputation that are due to that origin. In order to function as a GI, a sign must identify a product as originating in a given place. In addition, the qualities, characteristics or reputation of the product should be essentially due to the place of origin. Since the qualities depend on the geographical place of production, there is a clear link between the product and its original place of production.”²

In short, as Benjamin Vallin, representative of the European Commission, puts it: to be designated as a GI, three elements should collide: 1) a specific product, 2) a defined geographic area, and 3) a causal relationship between the specific product and the geographical area. This causality could be in the method of production, the ingredients used, the environmental or agricultural features of the region that give the product its distinctive qualities or a strong reputation that may have developed in the region for producing a particular good of a certain quality over time.³

¹ Addor, F., Grazioli, A. (2002). “Geographical indications beyond wines and spirits”. *The Journal of World Intellectual Property*, Vol. 5, No. 6, pp. 865-97.

² World Intellectual Property Organization. (n.d.). “Geographical Indications, what is a geographical indication?”. Available at: https://www.wipo.int/geo_indications/en/

³ Vallin, M. (2021). “Food products identity and labeling in Western provinces”. Delegation of the European Union to Canada and the EU Chamber of Commerce in Canada-West. Available at: <https://vimeo.com/549060499/ae77556bef>

GIs cover all kinds of goods such as cheese, meats, wines, teas, silk, or pottery.⁴ GIs are generally believed to bring social and economic development to the regions they originate from.⁵ On the consumer side, it is believed that GIs are indicators of quality as they give insight on the origin of the product and the “unique characteristics” related to the geographical area where the product is produced.⁶

Across the world, the recognition of the importance to protect geographically specific products came from their growing exposure to “misappropriation, misuse and counterfeiting”.⁷ GIs are considered a distinct form of intellectual property by the World Trade Organization (WTO).⁸ Despite their similarity to trademarks, there exists a difference between the two terms. In fact, while GIs identify a good as originating from a particular place, a trademark identifies a good or service as originating from a particular company.⁹ Moreover, a trademark often consists of an arbitrary sign while the name used as a geographical indication is usually determined by the name of a geographical area.¹⁰ The third difference, however, lies in the use of this protection. A trademark can be assigned or licensed to anyone, anywhere in the world, because it is linked to a specific company and not to a particular place. In contrast, a GI may be used by any person or enterprise in the area of origin who produces the good according to specified standards. Because

⁴ IP Australia. (2019). “Geographical indications”. Available at: <https://www.ipaustralia.gov.au/trade-marks/understanding-trade-marks/types-trade-marks/certification-trade-mark/geographical#What%20is%20a%20geographical%20indication?>

⁵ Moore, B., Wong, J. (2019). “What You Need To Know About Geographical Indications In Canada”. Mondaq. Available at: <https://www.mondaq.com/canada/trademark/833754/what-you-need-to-know-about-geographical-indications-in-canada>

⁶ Ibid.

⁷ O’Connor and company and Insight Consulting. (n.d.). “Geographical indications and TRIPs: 10 Years Later... A roadmap for EU GI holders to get protection in other WTO Members”. Commission of the European Communities. Available at: https://trade.ec.europa.eu/doclib/docs/2007/june/tradoc_135088.pdf

⁸ World Trade Organization. (2008). “Geographical Indications”. Available at: https://www.wto.org/english/tratop_e/trips_e/gi_background_e.htm#general

⁹ World Intellectual Property Organization. (n.d.). “Frequently Asked Questions: Geographical Indications”. Available at: https://www.wipo.int/geo_indications/en/faq_geographicalindications.html

¹⁰ Ibid.

of its link to the place of origin, a GI cannot be assigned or licensed to someone outside that place or not belonging to the group of authorized producers.¹¹ In this regard, the GI belong to the whole community and not to an individual company like a trademark.

GIs are given different names such as appellations of origin, designations of origin, origin signs, etc. in different national laws. For this paper's purpose, we use "geographical indications" (or GIs for short) to refer to any type of geographically based indications.

On the international scene, GIs gained universal recognition in 1994 with the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs).¹² The TRIPs agreement sets out the minimum standards of protection to be provided by each member country. Nonetheless, the protection of GIs varies to a large degree and its implementation is a topic of intense disagreement in the previous negotiations at the WTO. In fact, using the words of Raustiala and Munzer, "GIs stand at the intersection of three increasingly central and hotly debated issues: trade, intellectual property, and agricultural policy".¹³ Apart from being linked to farmers and rural communities, GIs are also about authenticity, heritage, and locality in a world of mass production. As a result, the GI debate unveils a division in the different rounds of negotiation at the WTO between the "New World" and the "Old World".¹⁴

New-world countries, such as the United States and Australia, are opposed to the idea of an international protection of GIs within the TRIPs agreement as these countries prefer the

¹¹ Ibid.

¹² Ilbert, H., Petit, M. (2009). "Are Geographical Indications a Valid Property Right? Global Trends and Challenges". *Development Policy Review*, Vol. 27, No. 5, pp. 503-528. DOI:10.1111/j.1467-7679.2009.00457. x. Available at: https://www.researchgate.net/publication/46541776_Are_Geographical_Indications_a_Valid_Property_Right_Global_Trends_and_Challenges

¹³ Raustiala, K., Munzer, S. R. (2007). "The Global Struggle Over Geographic Indications". *The European Journal of International Law*, Vol. 18 no. 2, pp. 337-365. doi: 10.1093/ejil/chm016. Available at: <http://ejil.org/pdfs/18/2/227.pdf>

¹⁴ Ibid.

trademark system.¹⁵ On the other hand, old-world countries within the European Union (EU), with their old agrarian roots and traditions, emphasize the importance of an international legal framework that protects GIs and thus traditional knowledge and “terroir”.^{16,17}

This difference in philosophy led the EU to change its internal rules and allow access to its GI protection system for other countries, particularly traditional products from developing countries.¹⁸ This provided a major momentum to the EU to lead on the export of GI protection in its trade agreements and make it “the number one ‘ask’ in all trade talks”.¹⁹ As a matter of fact, during the CETA’s negotiations between Canada and the EU, GIs were not a trivial detail. Indeed, during the negotiations, the ratification and even after the provisional entry into force of the agreement, GIs were at the center of the discussion where the EU stressed the importance of this protection for some of its member states.

Being the most developed and complete new generation and mixed agreement, CETA includes shared competencies between the member states and the European Commission on trade. This means that national parliaments (and regional ones in some member-states) must ratify CETA

¹⁵ Okediji, R. L. (2007). “The International Intellectual Property Roots of Geographical Indications”. University of Arkansas. System Division of Agriculture. *CHICAGO-KENT LAW REVIEW*, 82 CHI.-KENT L. REV. 1329.

¹⁶ *Terroir is a term in French indicating a place where the combination of a particular agroecology and traditional know-how yield unique quality characteristics.*

¹⁷ Ilbert, H., Petit, M. (2009). “Are Geographical Indications a Valid Property Right? Global Trends and Challenges”. *Development Policy Review*. 27(5):503-528. DOI:10.1111/j.1467-7679.2009.00457. x. Available at: https://www.researchgate.net/publication/46541776_Are_Geographical_Indications_a_Valid_Property_Right_Global_Trends_and_Challenges

¹⁸ Okediji, R. L. (2007). “The International Intellectual Property Roots of Geographical Indications”. University of Arkansas. System Division of Agriculture. *CHICAGO-KENT LAW REVIEW*, 82 CHI.-KENT L. REV. 1329.

¹⁹ Huysmans, M. (2020). “Exporting protection: EU trade agreements, geographical indications, and gastronomic nationalism”. *Review of International Political Economy*. DOI:10.1080/09692290.2020.1844272

for the agreement to enter fully into force; however, national parliaments in Italy and Greece, for example, have threatened not to ratify CETA because of insufficient GI protection.^{20,21}

The EU has also gone beyond trade agreements with the protection of non-European products within its territory (e.g., South African Rooibos tea). The EU is even acting as a central regulatory core for the enforcement of GIs protection, where countries can seek the validation and recognition of sole and exclusive protected GI for disputed products and thus serving primarily the interest of the EU and those who align with it. For instance, this has been the case with basmati rice, where the EU has been put in the position to determine if the GI belongs to India, Pakistan, or both.²²

The above showcases the extent to which the EU has developed an international hegemony over geographical indications. Therefore, in this research paper, we aim to answer the following question: **Why** is it so important for the EU to protect GIs in its trade policy? **How** does it protect GIs through its trade agreements and beyond? **What** is next in protecting GIs?

1.2 Methodology

To treat the problematic posed above, we adopt an analytical approach based on existing studies and documentation dealing with the different concepts discussed in our research. Articles, previous

²⁰ Reuters, T. (2018). "Italy won't ratify EU free-trade deal with Canada, says new farm minister". CBC. Available at: <https://www.cbc.ca/news/politics/italy-ceta-canada-food-1.4705622>

²¹ Patterson, B. (2014). "Syriza Government in Greece Would Veto CETA". The Council of Canadians. Available at: <https://canadians.org/analysis/syriza-government-greece-would-veto-ceta>

²² Mancombu, S. R. (2021). "India likely to get exclusive rights to sell Basmati in EU". The Hindu Business Line. Available at: <https://www.thehindubusinessline.com/economy/agri-business/india-likely-to-get-exclusive-rights-to-sell-basmati-in-eu/article36428197.ece>

research, and peer-reviewed publications were retrieved from the uOttawa library, Google Scholar, and other databases.

Furthermore, we attended two webinars on May 13 and May 20, 2021, hosted by the Delegation of the European Union to Canada and the EU Chamber of Commerce in Canada-West. The first webinar entitled “**Food identity on a label: state of the art and prospects in Western Canada**”²³ featured the participation of Canadian professors, representative from the EU commission and the government of British Columbia. The second webinar entitled “**Food identity as a tool for local development: what do producers think?**”²⁴ featured the participation of European and Canadian producers operating in different sectors.

1.3 Research Structure

This research paper is divided in four major parts. Section 2 covers the literature review, which highlights: 1) a historical background on the protection of GIs, 2) opponents’ and proponents’ arguments on the protection of GIs, and 3) the development of the GI system in the EU. Section 3 covers the analytical framework for this paper, where we define international trade and trade policy and go through the set of theories and concepts used in our analysis.

Section 4 covers the paper’s analysis. It is divided in three major subsections. The aim of the first subsection is to fully understand why the EU grants substantial importance to GI protection. To do this, we first look into how the EU has used GIs as a powerful marketing tool to establish a strong brand and differentiated products on the market and how this helped in

²³ Delegation of the European Union to Canada. (2021). “Food identity and geographical indications in Western Canada”. Youtube. [Video]. Available at: <https://www.youtube.com/watch?v=RMVrR1vsaI0>

²⁴ Delegation of the European Union to Canada. (2021). “Food identity as a tool for local development - what do producers think?”. Youtube. [Video]. Available at: <https://www.youtube.com/watch?v=tVHOWQlc6HQ>

developing its hegemony over GI protection and international trade policy. Then, we analyze if the emphasis on GI protection is pushed by a sentiment of gastronationalism or just a legitimate protection of terroir, traditional know-how, and small producers. Finally, we go through the economics behind GI protection in the EU. Second 4's second subsection focuses on how the EU exports GIs in its various trade agreements and beyond. In this subsection, we use CETA as a case study: we analyze the articles that concerns GIs in the agreement to understand what the EU is asking for, exceptions permitted, partner interests and concessions allowed. Finally, in the last subsection, we take a closer look at how the EU went beyond trade agreements in diffusing the protection of GIs and functioning as a central agency for this protection.

2. Literature review

In this section, we review the literature to first understand GIs' historical background and the rationale for their protection. Next, we examine the advantages and disadvantages of GI protection by considering the main arguments of both opponents and supporters of GI protection. Finally, we review the GI system in the EU.

2.1 History and Rationale of GIs Protection

The first form of GI protection originated in the 15th century in Europe, specifically in France, Portugal, and Italy (Tuscany), to prevent misrepresentation of the geographical origin of goods.²⁵ However, the very first step to the evolution of GIs as we know them today was with the emergence

²⁵ Menapace, L. (2010). "Geographical indications and quality promotion in food and agricultural markets: domestic and international issues". Graduate Theses and Dissertations. 11532. Iowa State University. Available at: <https://lib.dr.iastate.edu/etd/11532>

of appellations of origin (AOs), introduced in France in the 19th century as a form of IP to prevent the usurpation of the reputations of French wines (i.e. Bordeaux, Champagne, etc.) in consumer markets and to promote quality standards in wine production.²⁶

Internationally, the first efforts to adopt a common approach to intellectual property was through the Paris Convention on the Protection of Intellectual Property, which was adopted in 1883.²⁷ The Convention concerned all aspects of intellectual property and not just geographical indications. However, it was the first international treaty to protect AOs by treating infringements as acts of unfair competition.

Following the Paris Convention, the Madrid Agreement of 1891 was the first multilateral agreement to provide specific rules for the repression of false and deceptive indications of source. Although it did not add much to the protection already given by the Paris Convention, it extended protection to deceptive indications of source in addition to false indications. A deceptive indication of source can be the true name of the place where the good originates from but confuses the purchaser in respect to the true origin and quality of the good.²⁸

A proper definition to AOs came later with the Lisbon Agreement of 1966, which extended protection to “any usurpation or imitation, even if the true origin of the product is indicated or if the appellation is used in translated form or accompanied by terms such as kind, type, make, imitation or the like”.²⁹

²⁶ Ibid.

²⁷ O’Connor and company and Insight Consulting. (n.d.). “Geographical indications and TRIPs: 10 Years Later... A roadmap for EU GI holders to get protection in other WTO Members”. Commission of the European Communities. Available at: https://trade.ec.europa.eu/doclib/docs/2007/june/tradoc_135088.pdf

²⁸ Ibid.

²⁹ Ibid.

By the mid-1970s, European countries pressured for a wider protection of GIs, which resulted in the start of negotiations on increasing the level of protection for AOs within the World Intellectual Property Organisation (WIPO):³⁰ the global forum for intellectual property services, policy, information, and cooperation operating under the United Nations, with 193 member states.³¹

The term “geographical indication” was officially adopted in 1994 with the TRIPS Agreement to represent appellations of origin and indications of source. However, the TRIPS agreement favours the protection of wine and spirit over other products. Although it allows the recognition of agricultural, food-based, forestry, fisheries, and crafted products as GIs, it only provides a weak and limited protection within WTO member countries.³²

This minimum standard of protection for non-wine and non-spirit GIs provided under the TRIPS agreement is a source of controversy within the WTO. On one hand, the European Union considers the non-wine and non-spirit forms of GI as “one of Europe’s greatest assets, which should therefore receive extensive protection”,³³ thus, it has pushed for greater protection. On the other hand, the United States is generally opposed to strengthening GIs beyond the minimum

³⁰ Awad, B., Cadogan, M. (2017). “CETA and the Future of Geographical Indications Protection in Canada”. Center for International Governance Innovation. CIGI Papers No. 131. Available at: https://www.cigionline.org/sites/default/files/documents/Paper%20no.131_WEB.pdf

³¹ World Intellectual Property Organization. (n.d.). “What is WIPO?”. Available at: <https://www.wipo.int/about-wipo/en/>

³² Awad, B., Cadogan, M. (2017). “CETA and the Future of Geographical Indications Protection in Canada. Center for International Governance Innovation”. CIGI Papers No. 131. Available at: https://www.cigionline.org/sites/default/files/documents/Paper%20no.131_WEB.pdf

³³ Ibid.

TRIPS agreement's standards, claiming substantial relabelling costs and fallouts with its trademark industry as the main deterrents.³⁴

These conflicting views between the European Union and the United States stem from a difference in approaches and philosophy regarding GI protection. In fact, the European Union prefers *sui generis* protection for GIs, while the US approach is founded on traditional notions of trademark law. *Sui generis*, meaning “of its own kind; unique” in Latin, refers to special legal situations falling outside normal legal guidelines that must be considered on a unique basis.³⁵ In the case of GIs, the *sui generis* approach stipulates that GIs are a collective IP right and, therefore, have collective ownership that belongs both to the state and the producers, while its administration belongs to the regulating authority.³⁶ In comparison, under trademark law the trademark certificate and its administration are private property that belongs to the manufacturer or the producer.³⁷

2.2 Pros and Cons for the Protection of GIs

The primary benefit of extended GI protection is the “producer protection”. In fact, Michelle Agdomar argues that producer protection is seen as a means to prevent “free riding” by generically using a well-known product name. She further explains that the basic theory of GI “free riding” involves society’s recognition that a particular area has established a reputation and a quality product and use of that region’s name gives enhanced benefits to another product that generically

³⁴ Menapace, L. (2010). “Geographical indications and quality promotion in food and agricultural markets: domestic and international issues”. Graduate Theses and Dissertations. 11532. Iowa University. Available at: <https://lib.dr.iastate.edu/etd/11532>

³⁵ Wekesa, M. (2006). “What Is Sui Generis System of Intellectual Property Protection?”. African Technology Policy Studies Network. ISBN: 9966-916-71-7

³⁶ Ibid.

³⁷ Ibid.

uses the name value of the product that gains its value from a particular area.³⁸ In this regard, GIs could be a powerful marketing tool as the value of products increase as consumer recognition grows.³⁹

Furthermore, proponents of GI expansion argue that GIs are market-oriented and have welfare impact.⁴⁰ In fact, Réquillart demonstrated in his research that GIs are beneficial both for consumers and producers. For consumers, GIs give information on the origin of the products and make available products of high quality while guaranteeing their method of production and origin. For producers, they help to guarantee higher incomes as a reward for genuine efforts to improve quality. He further argues that GIs could be a powerful way to sustain populations in less favoured or isolated rural areas.⁴¹

Moreover, Herrmann and Teuber,⁴² Deselnicu et al.,⁴³ and Bienenfeld and Roe⁴⁴ agree that GIs capture the highest percentage premium in markets for products with short supply chains and relatively low added value. GIs adopting stricter regulations yield larger premiums than less

³⁸ Michelle, A. (2007). "Removing the Greek from Feta and Adding Korbelt to Champagne: The Paradox of Geographical Indications in International Law". 18 *Fordham Intell. Prop. Media & Ent. L.J.* 541. Available at: <https://ir.lawnet.fordham.edu/iplj/vol18/iss2/6>

³⁹ IP Australia. (2019). "Geographical indications". Available at: <https://www.ipaustralia.gov.au/trade-marks/understanding-trade-marks/types-trade-marks/certification-trade-mark/geographical#What%20is%20a%20geographical%20indication?>

⁴⁰ Réquillart, V. (2007). "On the Economics of Geographical Indications in the EU". Paper to be presented at the workshop 'Geographical Indications, Country of Origin and Collective Brands: Firm Strategies and Public Policies' (Toulouse, June 14-15, 2007). Toulouse School of Economics (GREMAQ-INRA & IDEI). Available at: <https://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.500.8185&rep=rep1&type=pdf>

⁴¹ Ibid.

⁴² Darby, K., Batt, M. T., Ernst, S., Roe, B. (2006). "Willingness to pay for locally produced foods: A customer intercept study of direct market and grocery store shoppers". Department of Agricultural, Environmental and Development Economics, The Ohio State University. Available at: <https://core.ac.uk/download/pdf/6833434.pdf>

⁴³ Deselnicu, O. A., Costanigro, M., Souza-Monteiro, D. M., McFadden, D. T. (2013). "A Meta-Analysis of Geographical Indication Food Valuation Studies: What Drives the Premium for Origin-Based Labels?". *Journal of Agricultural and Resource Economics*, Vol, 38. No. 2, pp. 204–219. Available at: <http://www.yucita.org/uploads/yayinlar/diger/makale/AMetaAnalysisofGeographicalIndicationFoodValuationStudiesWhatDrivesThePremiumforOrigin-BasedLabels.pdf>

⁴⁴ Herrmann, R., Teuber, R. (2011). "Geographically Differentiated Products". [The Oxford Handbook of the Economics of Food Consumption and Policy](#). DOI: 10.1093/oxfordhb/9780199569441.013.0034

regulated ones. In part, they explain this tendency with consumers' willingness to pay more for locally produced foods.

On the other side, opponents of the expansion of a multilateral GI system beyond wine argue that it would tighten competition.⁴⁵ This can be especially true for US companies attempting to compete in European markets because many terms such as “parmesan”, which are used generically in the US, must be changed. This could result in regional manufacturers—in Italy, for example—gaining monopolies over names that are generically used, simply due to their historical origin.⁴⁶

Furthermore, some opponents of GI expansion among WTO members cite the potential costs and burdens, such as new administrative rules, trade implications and obvious potential conflicts between producers from different regions as a counter-argument to further developing a multilateral GI system.⁴⁷ Many governments would have to implement new systems to protect a wide variety of GIs and could lead to changing fundamental concepts in their national laws.⁴⁸ In addition, some member states expressed their skepticism toward automatic and near “universal protection”, arguing such an expansion of the GI system for agricultural products could possibly increase costs caused by more disputes and litigation between WTO member countries.⁴⁹ Substantial costs could also emerge from marketing and legal enforcement.⁵⁰

⁴⁵ Maus, G. (2014). “Arguments Over Geographical Indications: Spreading the Trademark System Through the Korean-U.S. Free Trade Agreement”. J.D., Drake University Law School. pp. 230-233. Available at: <https://aglawjournal.wp.drake.edu/wp-content/uploads/sites/66/2016/09/agVol19No2-maus.pdf>

⁴⁶ Ibid.

⁴⁷ Rangnekar, D. (2002). “The Pros and Cons of Stronger Geographical Indication Protection”. Bridges Comment. Available at: <https://www.iprsonline.org/ictsd/docs/RangnekarBridgesYear6N3MarchApril2002.pdf>

⁴⁸ World Trade Organization. (2005). “Issues Related to The Extension of The Protection of Geographical Indications Provided for In Article 23 of the TRIPs agreement To Products Other Than Wines and Spirits”. WT/GC/W/546 TN/C/W/25. pp. 61- 72. Available at: <https://docsonline.wto.org/dol2fe/Pages/SS/DirectDoc.aspx?filename=t%3A%2Ftn%2Fc%2Fw25.doc&>

⁴⁹ Ibid.

⁵⁰ Patel, N. (2011). “Geographical Indications: Pros and Cons”. Available at: SSRN: <https://ssrn.com/abstract=1922347> or <http://dx.doi.org/10.2139/ssrn.1922347>

Finally, from a consumer perspective, opponents of GI expansion argue that products with GIs are generally more expensive and any increase in cost due to additional administrative costs would naturally be passed to the consumer. In that regard, the costs to the industry to rename, relabel, and repackage goods would be passed to the consumer, resulting in higher priced goods.⁵¹

2.3 The GI System in the EU

Within the EU, the first step towards a standardized system for the protection of GIs and the designation of origin on agricultural products and foodstuffs came in 1992 with EU Regulation No 2081 (today 510/2006) on the protection of geographical indications and designations of origin for agricultural products and foodstuffs linked to the terroir.⁵² This standard system is highly influenced by the French model developed in the 19th century, and today allows for the registration of EU-wide GIs. Regulation 2081 evolved throughout the time to reach Regulation No 1151/2012, which provides for three levels of protection:⁵³

- The Protected Designation of Origin (PDO) for products that have the strongest link to the geographical characteristics of the area of production, processing, and preparation. Under this category, the products must be exclusively produced in a specific region with natural and human factors inherently exclusive for that specific region. For example, Prosciutto di Parma PDO indicates that the ham must be produced by certain artisans

⁵¹ Addor, F., Thumm, N. (2003). "Geographical Indications: Important issues for Industrialized and Developing Countries". The European Commission Joint Research Center. ISSN: 1025-9384. p.28. Available at: https://www.researchgate.net/publication/274008710_Geographical_Indications_Important_Issues_for_Industrialized_and_Developing_Countries

⁵² Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs. *Official Journal of the European Union*. Available at: <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:093:0012:0025:en:PDF>

⁵³ Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs. *Official Journal of the European Union*. Available at: <http://data.europa.eu/eli/reg/2012/1151/oj>

physically present in city of Parma, out of specific pigs bred and grown in the region following a specific protocol.⁵⁴

- The Protected Geographical Indication (PGI) label is for products that have at least one of the steps of production, transformation or processing actually taking place in a specific geographical region and enjoy of great reputation attributed to the region in which they are produced. For example, Jambon de Bayonne PGI indicates that the ham must be produced in the southwestern French region of Bayonne following the traditional know-how, but the meat can originate from pigs bred and grown outside of the region of Bayonne.⁵⁵

- The Traditional Speciality Guaranteed (TSG) highlights the traditional production method or composition of a product without any link to a specific geographical region. Thus, TSG products could be produced anywhere following the protected aspect of the products.⁵⁶

PDO and PGI labels are considered a premium compared to TSG or GI for spirit drinks and aromatised wines, and on average, these labels increase the sales value of such products compared to similar non-GI products.⁵⁷ In addition, the EU defines GIs as “the name of a region, a specific place or, in exceptional cases, a country, used to designate an agricultural product or

⁵⁴ European Commission. (n.d.). “Prosciutto di Parma PDO”. Available at: https://ec.europa.eu/info/food-farming-fisheries/food-safety-and-quality/certification/quality-labels/eu-quality-food-and-drink/prosciutto-di-parma_en

⁵⁵ Ministère de l’Agriculture et de l’Alimentation. (2015). “Geographical Indications Obtain Greater International Protection”. Available at: <https://agriculture.gouv.fr/geographical-indications-obtain-greater-international-protection>

⁵⁶ Institut National De l’Origine et De La Qualité. (n, d). “Traditional Speciality Guaranteed”. Available at: <https://www.inao.gouv.fr/eng/Official-signs-identifying-quality-and-origin/Traditional-Speciality-Guaranteed>

⁵⁷ Bessaoud, O. (2009). « Dynamique de l’offre de produits de qualité, marchés et organisations des producteurs en Méditerranée ». In: Tekelioglu Y. (ed.), Ilbert H. (ed.), Tozanli S. (ed.). *Les produits de terroir, les indications géographiques et le développement local durable des pays méditerranéens*. Montpellier : CIHEAM, 2009. p. 73-87. (Options Méditerranéennes : Série A. Séminaires Méditerranéens; n. 89). Séminaire international sur Les Produits de Terroir, les Indications Géographiques et le Développement Local Durable des Pays Méditerranéens, 2008/04/24-26, Antalya (Turquie). Available at: <http://om.ciheam.org/om/pdf/a89/00801082.pdf>.

foodstuff [...] the quality or characteristics of which are essentially or exclusively due to a particular geographical environment with its inherent natural and human factors”.⁵⁸ This definition is somewhat different from the definition established by Article 22 of the TRIPS agreement, which puts more emphasis on the exclusivity and essentiality of the geographical elements (i.e., the terroir) of any products to qualify for a GI protection. This definition together with the above-mentioned label system implies a strict structure that requires specified production methods and quality standards to meet the GIs label criteria.⁵⁹

In his research, Watson argued that these detailed and strict provisions are put in place by the EU to not only “ensure that all commercial value contained in the geographic brand is captured by the protected producers” but also to impose “prohibitions so that registered GIs are protected from becoming generic”.⁶⁰

As of September 2020, the EU counted about 3,300⁶¹ GIs in force protecting food items and wines and accounting for 57% of the world’s GI applications.⁶² Nevertheless, there is a certain geographical imbalance in the application of GIs in the EU. Most GI applications are concentrated in the five southern countries, namely France, Greece, Italy, Portugal, and Spain. These five countries account for over 70% of all food GIs and 80% of wine GIs in the EU.⁶³ Moreover, these

⁵⁸ Council Regulation (EC) no. 510/2006, Article 13, March 20, 2006, on the protection of geographical indications and designations of origin for agricultural products and foodstuffs. Available at: <http://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX:32006R0510>.

⁵⁹ Watson, K. W. (2016). “Reign of Terroir How to Resist Europe’s Efforts to Control Common Food Names as Geographical Indications”. CATO Institute. Policy Analysis No. 787. p4-5.

⁶⁰ Ibid.

⁶¹ IPkey. (2021). “The Geographical Indications System in the European Union”. [Video]. YouTube. Available at: <https://www.youtube.com/watch?v=jTmHsCdV-R4&list=PLSs4WHJub1p0vbJ2Xc1QKOU5ntuQcueb2>

⁶² World Intellectual Property Organization. (2019). “Geographical Indications. World Intellectual Property Indicators”. Chapter 5. p.180. Available at: https://www.wipo.int/edocs/pubdocs/en/wipo_pub_941_2019-chapter5.pdf

⁶³ Huysmans, M., Swinnen, J. (2019). “No terroir in the cold? A note on the geography of geographical indications”. *Journal of Agricultural Economics*. Vol.70, No. 2, pp.550–559. Available at: <https://doi.org/10.1111/1477-9552.12328>

countries are the strongest supporters of origin labeling for all foods in the EU single market.⁶⁴ In contrast, Eastern European and Scandinavian countries are far behind in terms of GI ownership. Becker explains this imbalance by the divergence of interests regarding the legal regime adopted.⁶⁵ More precisely, he shows that the Scandinavian countries tend to be more interested in the collective trademark system (i.e., the fact that each producer protects his product on a personal scale and that it counts as a private property), whereas the southern countries adhere to the *sui generis* system (i.e., the collective protection for the right of production of agricultural products and foodstuffs linked to the terroir according to the strict labeling system above-mentioned).

The inequality in the number of GIs per European country further reveals a structural problem: the EU depends on a common agricultural policy despite having a multifaceted agriculture, both in terms of history and quality of production. For example, the southern countries mentioned above have an agrarian and culinary history rooted in their culture, as well as a quality of production superior to that of the northern or eastern countries. This superiority stems, among other things, from the geographical and meteorological characteristics of these countries. On the other hand, the northern European countries have a higher productivity than the southern countries. As a result, Huysmans and Swinnen (p. 557) have shown that southern EU countries are “therefore more inclined to use GIs as an instrument to protect their agriculture and food industry from intra-

⁶⁴ Wanat, Z., Hanke Vela, J. (2019). “The rise of the gastronationalists: Europe’s South looks to protect its feta and its fetuccinne”. Politico.eu. Available at: <https://www.politico.eu/article/origin-labels-europe-the-rise-of-the-gastronationalists/>

⁶⁵ Becker, T. (2009). “European Food Quality Policy: The importance of Geographical Indications, Organic Certification and Food Quality Assurance Schemes in European countries”. *The Estey Centre Journal of International Law and Trade Policy*, Vol. 10, No. 1, pp.111-130

EU and global competition”.⁶⁶ This imbalance suggests a certain protectionist approach by EU’s southern member countries toward the increased liberalization of agricultural trade internationally.

3. Analytical Framework

Over the past decades, the EU’s GI system has expanded beyond its borders through international trade, including the signing of multiple free trade agreements with different partners. Although the signing of free trade agreements is encouraged by a free trade policy adopted by the EU since 1992, the GI system suggests a rather protectionist approach. This section reviews the conceptual foundations of international trade and trade policies and develops the analytical framework for the paper.

3.1 International Trade and Trade Policy

In its classical definition, international trade refers to “the exchange of goods and services from one country to another”,⁶⁷ commonly known as “exports and imports”. International trade is based on the concept of specialization, where each country should specialize in what it does best (in terms of productivity, labor efficiency and resources) and turn to exporting part of its production while importing those products in which it has less production productivity and labor efficiency.⁶⁸

⁶⁶ Huysmans, M., Swinnen, J. (2019). “No terroir in the cold? A note on the geography of geographical indications”. *Journal of Agricultural Economics*, Vol. 70, No. 2, pp.550–559. Available at: <https://doi.org/10.1111/1477-9552.12328>

⁶⁷ Market Business News. (n.d.). “What is international trade? Definition and meaning”. Available at: <https://marketbusinessnews.com/financial-glossary/international-trade-definition-meaning/>

⁶⁸ Terzea, E. R. (2016). “The Concept of International Trade and Main Classical Theories”. SEA- Practical Application of Science. Volume IV, Issue 2 (11)/2016. Available at: https://seaopenresearch.eu/Journals/articles/SPAS_11_10.pdf

On the other side, trade policies are “standards, goals, rules and regulations that pertain to trade relations between countries”.⁶⁹ Velut further defines trade policy as “managing the international exchanges of goods and services between national and regional economies”.⁷⁰ Moreover, Suranovic explains that trade policy is also “any policy that *directly* affects the flow of goods and services between countries, including import tariffs, import quotas, [...] export taxes, export subsidies, etc.”.⁷¹ In this sense, Velut suggests that today’s trade policy evolved beyond import tariffs and quotas. It includes new forms of import restrictions such as rules of origins to protect domestic markets from international competition.⁷²

In sum, international trade is the exchange of goods and services between countries and trade policy is the set of tools to control and manage such an exchange.

3.2 International Trade Theories

Adam Smith and, especially, his successor David Ricardo developed the theory of comparative advantage in the 19th century, which is based on the idea of opportunity costs of production: i.e., each country should export the products in which it has the higher opportunity costs and should import those products in which it has the lower opportunity costs.⁷³ This theory represents the basic rationale behind international trade. However, one of this theory’s weaknesses is that it

⁶⁹ Economy Watch. (2010). “Trade Policy”. Available at: <https://www.economywatch.com/trade-policy>

⁷⁰ Velut, J.B. (2015). “Trade Policy”. International Encyclopedia of the Social & Behavioral Sciences, 2nd edition, Volume 24. Elsevier Ltd. pp. 485-490. Available at: <https://doi.org/10.1016/B978-0-08-097086-8.75053-7>

⁷¹ Suranovic, S. (2010). “International Trade: Theory and Policy. Chapter 8: Domestic Policies and International Trade”. Saylor Foundation. ISBN 13: 9781936126446

⁷² Velut, J.B. (2015). “Trade Policy”. International Encyclopedia of the Social & Behavioral Sciences, 2nd edition, Volume 24. Elsevier Ltd. pp. 485-490. Available at: <https://doi.org/10.1016/B978-0-08-097086-8.75053-7>

⁷³ Sen, S. (2010). “International trade theory and policy: A review of the literature”. Working Paper, No. 635, Levy Economics Institute of Bard College, Annandale-on Hudson, NY. Available at: <https://www.econstor.eu/bitstream/10419/57042/1/642320969.pdf>

remains limited and doesn't consider that multiple countries could specialize and trade in similar goods. For this reason, in our analytical framework we adopt the New Trade Theory developed by Paul Krugman. The new trade theory focuses on intra-industry trade, where exports and imports of similar goods are traded simultaneously, and the trading countries have similar technologies and wealth.⁷⁴

3.3 Trade Policy Theories

In terms of trade policy theory, we look through the lens of the strategic trade policy theory and neo-protectionism in its application with a policy of free trade. In fact, the definition of the strategic trade policy, developed by James Brander and Barbara Spencer, states that strategic trade policy “refers to trade policy that affects the outcome of strategic interactions between firms in an actual or potential international oligopoly”.⁷⁵ This theory implies that governments, through trade policies, could raise the level of domestic welfare by shifting profits from foreign to domestic firms and this through different measures to protect the internal market.⁷⁶ Strategic trade policy is seen as a protectionist tool available to a state to “favor” a domestic company, and thus to capture the largest share of a market.⁷⁷ This theory is also displayed in cases where “countries create a market niche through subsidized exports and when countries that are historically ahead of others in

⁷⁴ Ehnts, D., Trautwein, H.M. (2015). “From New Trade Theory to New Economic geography: A Space Odyssey”. *Open Edition Journals*. Available at: <http://journals.openedition.org/oeconomia/1616>

⁷⁵ Spencer, B. J., Brander, J. A. (2008). “Strategic trade policy. The New Palgrave Dictionary of Economics”. Second Edition. Eds. Steven N. Durlauf and Lawrence E. Blume. Available at: http://www.dictionaryofeconomics.com/article?id=pde2008_S000300

⁷⁶ Ibid.

⁷⁷ ÖRGÜN, B, O. (2012). “Strategic Trade Policy Versus Free Trade”. *Procedia - Social and Behavioral Sciences*. 8th International Strategic Management Conference. Elsevier Ltd. pp. 1283-1292. Available at: <https://doi.org/10.1016/j.sbspro.2012.09.1111>

producing the good have an advantage over others”.⁷⁸ Although, the agri-food industry is not an oligopoly per se, the use and imposition of GIs creates a certain oligopoly within the sector, given that GIs are public intellectual property.

In parallel, we look at neo-protectionism theory, which is a “doctrine tending to reintroduce, most often in a roundabout way, a dose of protectionism, particularly in sectors subject to strong competition”.⁷⁹ This theory stems from “economic nationalism”. In this regard, we also consider the concept of gastronationalism, which was developed by Michaela DeSoucey who analyzes ways in which “food production, distribution, and consumption can demarcate and sustain the emotive power of national attachment and how nationalist sentiments, in turn, can shape the production and marketing of food”.⁸⁰ She sees gastronationalism as a useful angle to capture “a juxtaposition of the dialectic produced by globalism’s homogenizing tendencies and the appearance of new forms of identity politics”.⁸¹

On the other hand, free trade policy is when “goods and services are bought and sold across international borders with little or no government tariffs, quotas, subsidies, or prohibitions to inhibit their exchange”.⁸² Free trade policy thus implies that governments should have little to no interventions in the exchange of goods and services. Although free trade policy is in opposition to strategic trade policy theory and neo-protectionism, we study how there has been a shift within the

⁷⁸ Sen, S. (2010). “International trade theory and policy: A review of the Literature”. Working Paper, No. 635, Levy Economics Institute of Bard College. Available at:

<https://www.econstor.eu/bitstream/10419/57042/1/642320969.pdf>

⁷⁹ Larousse. (n.d.). « Néoprotectionnisme ». Dictionnaire Larousse. Available at:

<https://www.larousse.fr/dictionnaires/francais/n%C3%A9oprotectionnisme/54230>

⁸⁰ DeSaucey, M. (2010). “Gastronationalism: Food Traditions and Authenticity Politics in the European Union”. *American Sociological Review*, Washington Vol. 75, Iss. 3. pp. 432-455. Available at: ProQuest. DOI 10.117/0003122410372226.

⁸¹ Ibid.

⁸² Barone, A. (2020). “Free Trade Agreement”. Investopedia. Available at: <https://www.investopedia.com/terms/f/free-trade.asp>

EU from a free trade policy to a strategic trade policy to create a kind of selected protectionism on the agri-food industry.

3.4 Other concepts

Throughout the research, we also make use of the concepts of product differentiation and branding in analyzing the motives for and importance given to GI protection in the EU. In fact, according to Porter, “differentiation is one possible strategy to achieve a sustainable competitive advantage”.⁸³ In a differentiation strategy, firms seek to be unique in their market along some dimensions that are valued by customers and, because of their superiority in this respect, they are rewarded with a premium price. This idea is embedded in the EU’s view and valuation of GI protection. On the other hand, “branding”, a concept emerging from the marketing literature, refers to the creation of a multifaceted identity known as “brand” by which a good or service can become identifiable within consumers through its set of differentiated characteristics.⁸⁴ Pike further defines branding as “the process of adding value to goods and services commodities by providing meaning”.⁸⁵

To conclude, in this paper, we mobilize the theories of strategic trade policy, neo-protectionism, and their application to free trade policy. In addition, in our analytical framework, we adopt the new trade theory developed by Paul Krugman. Lastly, we discuss the concepts of gastronomicalism, differentiation, and branding.

⁸³ Porter, M.E. (1985). “Competitive advantage: Creating and sustaining superior performance”. New York: The Free Press.

⁸⁴ Pike, A. (2013). “Economic Geographies of Brands and Branding”. *Economic Geography* 89, no. 4. pp 317–339. Available at: <https://doi.org/10.1111/ecge.12017>.

⁸⁵ Ibid.

4. Analysis

In this section we analyze why the EU grants substantial importance to GI protection, how the EU exports GIs in its various trade agreements, and how the EU goes beyond trade agreements in diffusing the protection of GIs and functioning as a regulatory central agency for this protection.

4.1 Why Is It So Important for the EU to Protect GIs in its Trade Policy?

4.1.1 Product Differentiation, Branding, and Trade

Through the use of GIs, the EU has succeeded in creating a commercial niche market characterized by differentiated products. This has allowed it to compete in the international market for agricultural products, while preserving the welfare and protecting its traditional know-how and small producers.

European GIs are marketed as unique, reliable, and well-known brands that are attributed to the terroir. In this regard, the EU argues that there is “a demand for agricultural products or foodstuffs with identifiable specific characteristics, in particular those linked to their geographical origin.”⁸⁶ However, “producers can only continue to produce a diverse range of quality products if they are rewarded fairly for their effort”, which “requires them to be able to correctly identify their products on the marketplace”.⁸⁷ These statements are at the core of the EU’s strategy, where the protection and promotion of authenticity enhances the demand for these products. Although we cannot deny the quality of products with GI labels and the unique know-how of the artisans, we can argue that it is part of a marketing scheme: where socio-cultural and multisensorial

⁸⁶ European Union. (2012). Regulation (EU) No. 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs. *Official Journal of the European Union*, L341, 1–29.

⁸⁷ Ibid.

narratives are created around commodity products to endow them with an identity, a world recognition, and make them different from their competitors.⁸⁸ The narratives related to these products are usually culturally based and give the consumer an impression of rarity and privilege. In addition, there is a sentimental side that emphasizes the artisan, the land, and the raw elements of the production process.⁸⁹ In this sense, the ultimate goal is this: when a consumer chooses, for example, to buy *Parmigiano Reggiano* rather than “simple” parmesan, they feel that they are buying from a small, rural producer in Italy⁹⁰ and, therefore, they are taking a sensational culinary journey just by purchasing the product.

In addition, and perhaps more importantly, GIs within the EU also serve to market and promote the regions where products with GI labels are produced.⁹¹ “Place-specific packages” of products with a differentiated territorial identity are created to jointly promote the place and the product and to support agricultural and territorial development in rural areas such as Tuscany in Italy or Kalamata in Greece.⁹² A perfect illustration of this strategy is the expansion of culinary tourism, also known as gastro-tourism, in Europe, notably through tours dedicated to the tasting of some cheeses or wines with PDO or PGI labels and the creation of gastronomic itineraries for the promotion of foods with GIs.⁹³ The overall goal is to increase the visibility of the product, the

⁸⁸ Agarwal, S., Barone, M. (2005). “Emerging Issues for Geographical Indication Branding Strategies”. MATRIC research paper 05-MRP 9. Center for Agricultural and Rural Development, Iowa State University. Available at: <https://www.card.iastate.edu/products/publications/synopsis/?p=567>

⁸⁹ Ibid.

⁹⁰ Parmigiano Reggiano. (n.d.). Available at: <https://www.parmigianoreggiano.com>.

⁹¹ Huysmans, M. (2019). “Exporting protection: EU trade agreements, geographical indications, and gastronationalism”. 93rd Annual Conference, April 15-17, 2019, Warwick University, Coventry, UK 289668, Agricultural Economics Society - AES.

⁹² Donner, M., Fort, F., Vellema, S., (2017). “From Geographical Indications to Collective Place Branding in France and Morocco”. Springer International Publishing AG 2017 W. van Caenegem and J. Cleary (eds.), *The Importance of Place: Geographical Indications as a Tool for Local and Regional Development*, *Ius Gentium: Comparative Perspectives on Law and Justice* 58, Chapter 7, pp. 173-196, Available at: DOI 10.1007/978-3-319-53073-4_7

⁹³ Ibid.

geographical region, and all that is directly or indirectly related to the product,⁹⁴ thereby ensuring the region's economic well-being. Moreover, the GI system developed by the EU draws its strength from the collective aspect of this protection. Indeed, all the actors of the agri-food system are involved; territories, communities, consumers, and producers all benefit from this system and, thus, ensure to make it work and perpetuate it.

The benefits of GIs do not stop at the EU's defense of the product name against "imitations and false indications", they also include the standardization of the products' quality as well as its promotion to increase visibility. In this way, GIs have succeeded in creating a niche market in which consumers are informed and, in most cases, convinced of the added value of GI-labeled products,⁹⁵ which is proved to have a higher potential for economic growth than large-scale distribution.⁹⁶

In terms of international trade, while this differentiation strategy offers the EU a competitive advantage, it also acts as a barrier to entry not only for competing foreign products that want to establish themselves in the European market, but also for potential new producers, given the stringent requirements for a GI label.⁹⁷ The EU finds itself more and more aggressive in both granting GI marks and ensuring their protection beyond its borders given that these labels have become one of its main assets and greatest source of competitive advantage in international markets.⁹⁸

⁹⁴Ibid.

⁹⁵Ibid.

⁹⁶ Babcock, B., and Clemens, R. (2004). "Geographical Indications and Property Rights: Protecting Value-Added Agricultural Products". MATRIC briefing paper 04-MBP 7. Center for Agricultural and Rural Development, Iowa State University.

⁹⁷ Ibid.

⁹⁸ Ibid.

4.1.2 Gastronationalism and (or) the Protection of Cultural Heritage?

The first preamble of the European Union's GI regulation refers to the "living culture and gastronomic heritage"⁹⁹ of the Union and how the EU's GI policy aims to preserve this heritage and culture. The depth of the European gastronomic culture and the legitimacy of protecting this heritage, notably through policy tools such as GI labels cannot be denied; however, there are political implications of a nationalistic nature that fuel the GI policy engine in the EU and push towards a strengthening of this policy under the umbrella of cultural preservation.

Based on Michaela DeSoucey's analysis, we can argue that the EU's GI policy goes beyond the mere protection of tangible assets and, instead, strategically integrates considerations of national identity with the idea of the nation as protector of cultural heritage.¹⁰⁰ This idea is rooted in what she calls "gastronationalism" (also known as culinary nationalism), which is a reaction to globalization and its "homogenizing tendencies"¹⁰¹ where certain foods that have cultural markers become institutionalized to protect the national and political identity of countries. In this way, food is used as a factor contributing to "national claims and to the power dynamics of national identity politics".¹⁰²

European GI policy aligns perfectly with the analysis presented by DeSoucey. Indeed, in many European countries, particularly the five southern countries mentioned earlier in this paper, the political battle between parties is fought on the basis of cultural and identity issues.¹⁰³ Political parties with nationalist and populist agendas emphasize issues of demarcation and defend the

⁹⁹ European Union. (2012). Regulation (EU) No. 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs. *Official Journal of the European Union*, L341, 1–29.

¹⁰⁰ DeSoucey, M. (2010). "Gastronationalism: Food traditions and authenticity politics in the European Union". *American Sociological Review*, 75(3). pp. 432-455.

¹⁰¹ Ibid.

¹⁰² Ibid.

¹⁰³ Ibid.

ideological components of gastronationalism with protectionist policies and cultural resistance to globalism.¹⁰⁴ These political parties are gaining strength throughout Europe where there is a revival of nationalism. In fact, over the past decade, the EU has seen a surprising increase in the number of voter support for right-wing politicians in member states' parliaments.¹⁰⁵ In the same period, the number of EU amendments approving of GIs has been rising annually, with GIs from France, Spain, and Italy being four to six times higher compared to the rest of the EU.¹⁰⁶ GIs are thus “evolving as institutions and not statically protected food production systems”.¹⁰⁷ A good illustration of this phenomenon is, following the election of Matteo Salvini as Italy's Vice-Prime Minister and Minister of the Interior in 2018, the increase in the number of Italian GIs as well as their amendments but also the protection abroad in free trade agreements. CETA's ratification by Italy's national parliament continues to be postponed on the grounds of “not enough” protection for Italian agri-food products, with similar situations occurring in Greece and Spain.¹⁰⁸ In the same way, the Social Democratic Party of the Netherlands, which had a majority in the Dutch Senate, opposed the ratification of CETA in 2019, for reasons that include alignment with the anti-European movement.¹⁰⁹

¹⁰⁴ Chopain, T. (2019). “Europe and the identity challenge: who are “we”?”. Foundation Robert Schuman the Research and Studies Center on Europe. European Issue n°466. Available at: <https://www.robert-schuman.eu/en/european-issues/0466-europe-and-the-identity-challenge-who-are-we>

¹⁰⁵ BBC. (2019). Europe and right-wing nationalism: A country-by-country guide. Available at: <https://www.bbc.com/news/world-europe-36130006>

¹⁰⁶ Marescotti, A., Xiomara F., Quiñones, R, Edelmann, H., Belleli, Giovanni., Broscha, Kristina., Altenbuchner, C. Penker, M., Scaramuzzi, S. (2020). “Are Protected Geographical Indications Evolving Due to Environmentally Related Justifications? An Analysis of Amendments in the Fruit and Vegetable Sector in the European Union”. *Sustainability* 12, no. 9: 3571. Available at: <https://doi.org/10.3390/su12093571>

¹⁰⁷ Marescotti, A., Xiomara F., Quiñones, R, Edelmann, H., Belleli, Giovanni., Broscha, Kristina., Altenbuchner, C. Penker, M., Scaramuzzi, S. (2020). “Are Protected Geographical Indications Evolving Due to Environmentally Related Justifications? An Analysis of Amendments in the Fruit and Vegetable Sector in the European Union”. *Sustainability* 12, no. 9: 3571. Available at: <https://doi.org/10.3390/su12093571>

¹⁰⁸ ICI Radio Canada. (2019). « L'Italie rejette l'accord de libre-échange entre l'UE et le Canada ». Available at: <https://ici.radio-canada.ca/nouvelle/1106972/union-europeenne-canada-italie-aecg-ceta-italie-igp-aop>

¹⁰⁹ Paquin, S. (2019). « Danger en vue pour l'accord Canada-Europe ». *Le Devoir*. Available at: <https://www.ledevoir.com/opinion/idees/567644/accord-canada-europe-danger-en-vue>

There is a gap, however, between the fear of the dissolution of the national identity and cultural heritage of some member states due to globalization and its effects and the EU's willingness to continue its liberal-oriented trade policy of negotiating and signing free trade agreements. In this regard, Herman Lilieveltdt mentions that "maintaining popular support for free trade agreements will require some form of protection for these foods",¹¹⁰ especially since these foods are already packaged as an identity marker for consumers. What Lilieveltdt is suggesting is that some concessions should be made from the EU to ensure the signing and ratification of future free trade agreements. The peril for the EU's free trade policy is when "cultural protection" becomes confused with "cultural protectionism", which defies the very idea of free trade that requires more homogeneous standards.¹¹¹

4.1.3 The Economics Behind GI Protection in Europe.

The other driving force behind GI protection in the EU is the financial and economic aspects that this protection brings. In fact, when asked what the main reason is for the EU to give substantial importance to GIs, notably in its various FTAs, Benjamin Vallin confirmed that "it is simply a matter of good business sense".¹¹²

Through the use of GIs, the EU has managed to create a monopolistic type of advantage that brings financial benefits to all parties involved in this protection. More importantly, it

¹¹⁰ Lilieveltdt, H. (2016). "Gastronationalism? How Europe's food production is becoming entangled in nationalist politics". London School of Economics and Political Science Blog. Available at:

<https://blogs.lse.ac.uk/europpblog/2016/10/18/gastronationalism-nationalist-politics/>

¹¹¹ Sorgho, Z. (2014). « Protection Des Dénominations Géographiques Dans L'union Européenne Effectivité Et Analyse Des Effets Sur Le Commerce ». Thèse. Université Laval.

¹¹² Vallin, M. (2021). "Food products identity and labeling in Western provinces". Delegation of the European Union to Canada and the EU Chamber of Commerce in Canada-West. Available at: <https://vimeo.com/549060499/ae77556bef>

managed to link its policy to the preservation of rural economies and populations. To this end, the EU clearly mentions in Article 1 of the European Regulation 1151/2012 of GIs: “The measures provided for in this Regulation are intended to support agricultural and processing activities and farming systems associated with high quality products, thus contributing to the achievement of the objectives of the rural development policy [...]”.¹¹³ In this way, the EU has sought to conquer a niche market where it markets value-added and luxury products that are based on high quality and rural craftsmanship and which, in turn, are transformed into economic welfare. In this sense, GIs are a rural development tool that helps small producers to obtain higher prices and, protect market access.

In terms of figures, the EU is the world's largest producer of GI products for agricultural and foodstuff products, with more than 3,200 products registered in the European Union, representing more than €75 billion in sales in the EU and €15 billion in exports to third countries (representing 15% of EU food and beverage exports).¹¹⁴ Although the volume of trade in GI products has increased in the domestic market since 2010, the largest increase has been depicted in the volume of exports to third countries. These exports increased by 70% compared to 2010, with cheese accounting for more than a third (44%) of the total value of GI-covered agri-food sales in the EU.¹¹⁵

Thus, from an economic point of view, the increase in numbers seems consistent with the aggressive approach of the GI policy and justifies the steps taken by the EU to expand and export

¹¹³ European Union. (2012). Regulation (EU) No. 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs. *Official Journal of the European Union*, L341, 1–29.

¹¹⁴ IPkey. (2021). “The Geographical Indications System in the European Union”. [Video]. YouTube. Retrieved from: <https://www.youtube.com/watch?v=jTmHsCdV-R4&list=PLSs4WHJub1p0vbJ2Xc1QKOU5ntuQcueb2>

¹¹⁵AND-International. 2019. “Study on economic value of EU quality schemes, geographical indications (GIs) and traditional specialities guaranteed (TSGs)”. European Commission. p16. doi:10.2762/396490.

this policy outside its borders. However, Huysmans and Curzi, in their research, found that, surprisingly, this increase in GI-products' exports is not necessarily coming from extensive protection in trade agreements, and that “legal protection of GIs in FTAs does not significantly increase trade in them”.¹¹⁶ It should be noted, however, that this study focuses only on the cheese sector. Therefore, this raises the possibility that through the imposition of GIs in its FTAs, the EU is not necessarily seeking to increase revenues exponentially, but rather to expand the diffusion of its policies.

4.2 The “How” of GI Exports

4.2.1 The Extra-territoriality of the EU’s GI Protection and the Brussels Effect

Extraterritoriality “refers to the jurisdiction of a state to establish, apply and enforce rules of conduct concerning persons, goods or events beyond its territory”.¹¹⁷ In this sense, the EU has made GIs an extraterritorial regulation, whereby products bearing a GI label can only be produced and sold by a specific “club”¹¹⁸ in order to retain all of the benefits that flow from it, as seen in the previous section.

The extraterritoriality of GIs is manifested by the promotion of this protection at the international level to obtain international recognition through new free trade agreements. Moreover, by proposing the adoption of this system by third countries (generally developing countries that would benefit from using the GI system), the EU seeks to rally and win the adhesion

¹¹⁶ Curzi, D., Huysmans, M. (2021). “The Impact of Protecting EU Geographical Indications in Trade Agreements”. *Amer. J. Agr. Econ.* Available at: <https://doi.org/10.1111/ajae.12226>

¹¹⁷ Kamminga, M. T. (2020). “Extraterritoriality”. *Max Planck Encyclopedia of Public International Law [MPEPIL]*. Oxford Public International Law. Available at:

<https://opil.ouplaw.com/view/10.1093/law:epil/9780199231690/law-9780199231690-e1040>

¹¹⁸ Fournier, S., Biénabe, E., Marie-Vivien, D., Durand, C., Sautier, D., Cerdan, C. (2018). « Les indications géographiques au regard de la théorie des communs ». *Revue internationale des études du développement*, 233, pp.139-162. Available at : <https://doi.org/10.3917/ried.233.0139>

of a maximum number of countries and thus reach a standardization of this kind of protection. In fact, to date, there are a total of 190 GIs for agricultural and foodstuff from non-EU countries of which 73 are GIs protected in the EU under bilateral agreements.¹¹⁹ Furthermore, the 190 GIs are coming from 28 developing countries.¹²⁰

Given the weak legal framework provided by the WTO and the minimal protection provided by the TRIPS agreement for GI protection, the EU has sought another way to promote, extend and sometimes impose GI protection on the international scene. The EU has gone beyond international institutions (i.e., WTO) and multilateral frameworks to strategically impose a system that is tailored to its needs, where the protection of agricultural and foodstuff GIs is upgraded from the basic protection provided by article 22 of the TRIPS. To date, the EU has succeeded to strategically export its GI system in six continents.¹²¹

Therefore, we can argue that the export of the GI system is part of a broader framework of exporting European policies and laws known as the “Brussels effect”,¹²² where the EU seeks a “unilateral EU power to regulate global markets without the need for international institutions or the advice of other nations”. Anu Bradford further confirms that Europe has become “a global hegemonic regulatory authority”,¹²³ where policies and laws initially made internally become

¹¹⁹ European Commission. (n.d.). “eAmbrosia Database”. Available at: <https://ec.europa.eu/info/food-farming-fisheries/food-safety-and-quality/certification/quality-labels/geographical-indications-register/>

¹²⁰ Ibid.

¹²¹ Commission Européen. (2018). « Indications géographiques : l'Europe protège ses produits et ses terroirs ! ». Available at: https://ec.europa.eu/france/news/20161212_ca_marche_protection_indications_geographiques_fr

¹²² Bradford, A. (2019). “The Brussels Effect: How the European Union Rules the World”. New York, NY: Oxford University Press. p.xiv. Available at: DOI:10.1093/oso/9780190088583.001.0001

¹²³ Gastineau, N. (2021). « L’effet Bruxelles : quand l’Union européenne transforme le monde par le droit ». Philosophie Magazine. Available at : <https://www.philomag.com/articles/leffet-bruxelles-quand-lunion-europeenne-transforme-le-monde-par-le-droit>

standardized norms worldwide. In the case of GIs, the EU has become the benchmark in terms of GI policies and the regulatory center for GI protection.

4.2.2 The Export of GIs in EU Trade Agreements

In 2012, the EU declared that “today, it would not be conceivable to negotiate a Free Trade Agreement (FTA) without an appropriate chapter on GIs”.¹²⁴ Since then, the EU has concluded 36 FTAs with GI chapters. It also has 13 ongoing FTA negotiations that include a chapter on GIs.¹²⁵ In its FTAs, the EU ensure to secure 1) high level of protection of GIs beyond the TRIPs agreement; 2) reciprocal protection; 3) co-existence of GIs with prior trademarks registered in good faith; and 4) ensure the administrative enforcement of this protection once the FTA comes into force.¹²⁶

Trade is an exclusive competence of the EU: i.e., the European Commission has sole responsibility for the negotiations, while the Council of Ministers and the European Parliament approve any trade agreement negotiated by the Commission. However, since 2010, the EU has moved towards negotiating “new generation agreements”. Compared to the old generation agreements, the new ones include member-state-related issues (such as trade in agriculture and fisheries, internal market, consumer protection, etc.) and also tend to harmonize standards.¹²⁷ As a result, the ratification of these agreements goes beyond the exclusive scope of the EU and

¹²⁴ Huysmans, M. (2019). “Exporting protection: EU trade agreements, geographical indications, and gastronomic nationalism”. 93rd Annual Conference, April 15-17, 2019, Warwick University, Coventry, UK 289668, Agricultural Economics Society - AES. p.6.

¹²⁵ IPkey. (2021). “The Geographical Indications System in the European Union”. [Video]. YouTube. Retrieved from: <https://www.youtube.com/watch?v=jTmHsCdV-R4&list=PLSs4WHJub1p0vbJ2Xc1QKOU5ntuQcueb2>

¹²⁶ Ibid.

¹²⁷ EUR-Lex. (n,d). « Les accords internationaux et les compétences externes de l’Union européenne ». Available at: <https://eur-lex.europa.eu/legal-content/FR/TXT/?uri=legisum%3Aai0034>

becomes of a mixed nature: i.e., all member states must ratify the agreement for it to enter into force.¹²⁸ In this regard, member states gain power in terms of negotiating leverage where they can impose their standards or else, they won't ratify. For example, the Belgian region of Wallonia (which represents 0.7 per cent of the EU's population) opposed CETA's ratification and jeopardized ten years of negotiations on national interest grounds.¹²⁹ The same pattern can be seen today with the negotiation of the EU-Mercosur agreement, where this trade agreement is being blocked by member states for reasons other than trade.¹³⁰

With respect to GI policies, the EU has publicly stated that GIs are a “crucial offensive interest” for some member countries.¹³¹ Without necessarily naming them, we can suggest that these are the five southern countries mentioned earlier. These countries are indeed the ones that are lobbying the most to improve GI protection and are even blocking trade agreements. A perfect illustration is the blocking of CETA by Greece and Italy, an example we have already mentioned, but also by the Netherlands and Cyprus, which have joined the “club”. We will come back to these two examples in more detail in the next section.

In addition, there is a strong current of lobbying and advocacy within the countries that are most active in promoting GI protection. Indeed, these countries have organized groups in the form of consortia, federations, industry associations, or even national alliances.¹³² Collectively, they

¹²⁸ Toute L'Europe. (2020). « CETA, JEFTA, Mercosur... qu'est-ce qu'un accord de libre-échange de "nouvelle génération" ». Available at: <https://www.touteleurope.eu/economie-et-social/ceta-jefta-mercotur-qu-est-ce-qu-un-accord-de-libre-echange-de-nouvelle-generation/>

¹²⁹ Conconi, P., Herghelegiu, C., Puccio, L. (2021). “EU Trade Agreements: To Mix or Not to Mix, That is the Question”, *Journal of World Trade*, Issue 2, pp. 231-260. Available at: <https://kluwerlawonline.com/journalarticle/Journal+of+World+Trade/55.2/TRAD2021009>

¹³⁰ Moens, B. (2021). “Europe's glory days of trade deals are over”. Politico. Available at: <https://www.politico.eu/article/eu-trade-glory-days-over/>

¹³¹ Ibid.

¹³² Ibid.

lobby their national governments to ensure that their interests are reflected in the free trade agreements negotiated by the EU. As a result, based on Huysmans' research, where he found out that in most FTAs there is “the inclusion of relatively unknown and low-sales GIs from those five Mediterranean countries”,¹³³ we can argue that there is a level of politicization in protecting GIs in EU's FTAs driven by gastro-nationalist and protectionist beliefs.

In the next subsection, we take a closer look at the CETA agreement, which serves as a case study to highlight the politicization of GI protection, the gastro-nationalist approach of EU member states as well as the shift to a more protectionist agenda in terms of trade negotiations.

4.2.3 The Case of CETA

The Comprehensive Economic Trade Agreement (CETA) between Canada and the European Union provisionally entered into force in Canada on September 21, 2017, after ten years of debate and negotiations.¹³⁴ CETA's chapter 20 covers intellectual property rights, with subsection C devoted to geographical indications. In this regard, the chapter introduces the inclusion of 172 existing EU geographical indications on foodstuffs for protection in the Canadian market that have been approved under the Canadian Trade-marks Act.¹³⁵

Article 20.19 - Subsection C of CETA has three major objectives:

¹³³ Ibid.

¹³⁴ European Commission. (2017). “Statement by Mr Jean-Claude Juncker, President of the European Commission and Mr Justin Trudeau, Prime Minister of Canada”. Available at: https://ec.europa.eu/commission/presscorner/detail/en/STATEMENT_17_1959

¹³⁵ Ibid.

“1. the use of a geographical indication of the other Party listed in Annex 20-A for a product that falls within the product class specified in Annex 20-A for that geographical indication and that either:

- i. does not originate in the place of origin specified in Annex 20-A for that geographical indication; or*
- ii. does originate in the place of origin specified in Annex 20-A for that geographical indication but was not produced or manufactured in accordance with the laws and regulations of the other Party that would apply if the product were for consumption in the other Party;*

2. The protection referred to in subparagraph 2(a) shall be provided even where the true origin of the product is indicated or the geographical indication is used in translation or accompanied by expressions such as “kind”, “type”, “style”, “imitation” or the like.;

3. Each Party shall provide for enforcement by administrative action, to the extent provided by its law, to prohibit a person from manufacturing, preparing, packaging, labelling, selling or importing or advertising a food commodity in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its origin.”¹³⁶

In summary, subsection C of CETA’s chapter 20 prohibits the production, sale, and marketing of any product in the Canadian market that includes a name protected under Annex A, even if that product’s name is accompanied by expressions such as “kind”, “type”, “style”, or “imitation” to emphasize the true origin of the product. This section also binds Canada to enforce and respect this text.

¹³⁶ Global Affairs Canada. (2017). “Text of the Comprehensive Economic and Trade Agreement – Chapter twenty: Intellectual property. Article 20.19 – Protection for geographical indications listed in Annex 20-A. Government of Canada”. Available at: <https://www.international.gc.ca/trade-commerce/trade-agreements-accords-commerciaux/agr-acc/ceta-aecg/text-texte/20.aspx?lang=eng>

It should be noted that prior to CETA, Canadian GI legislation only protected wine and spirits (under Article 22 of the TRIPS agreement). CETA has therefore fundamentally pushed for the modification of Canadian legislation by introducing GI protection for food and agricultural products in the Canadian Trade-mark Act.¹³⁷

Chapter 20 - Subsection C comes with three annexes:¹³⁸

1. Annex 20.A for “geographical indications that identify a good as originating in the territory of the European Union or a region or locality in that territory”
2. Annex 20.B for “geographical indications that identify a good as originating in the territory of Canada or a region or locality in that territory”;
3. Annex 20.C for “Product category”

Looking more closely at the product category, we can see that the EU imposes protection on a product in the “natural gums and resins - chewing gum” category, namely Masticha Chiou, a natural gum from Greece. Similarly, we can see the inclusion of products that are not very well known and that do not necessarily face a risk of usurpation or imitation in the Canadian market (such as some types of vegetable oil from Portugal). Furthermore, Annex 20.A reveals that of the 172 protected products, 146 come from the five southern countries mentioned above, which represent around 85% of the GIs imposed.

These revelations confirm once again the politicization of GI protection in the EU’s trade agreements, where the EU agrees to include protection for unfamiliar products in order to satisfy

¹³⁷James, L. (2017). “Taste the EU: CETA and the expansion of Geographical Indications”. Clark Willson. Available at: <https://www.cwilson.com/taste-the-eu-ceta-and-the-expansion-of-geographical-indications/>

¹³⁸Global Affairs Canada. (2017). “Text of the Comprehensive Economic and Trade Agreement – Chapter twenty: Intellectual property. Government of Canada”. Available at: <https://www.international.gc.ca/trade-commerce/trade-agreements-accords-commerciaux/agr-acc/ceta-aecg/text-texte/20.aspx?lang=eng>

nationalistic desires and strategically gain leverage for future domestic policies.¹³⁹ Case in point, the EU already used GIs as a point of pressure for political decisions within its borders, where it linked the approval of a GI label for Halloumi cheese in Cyprus with the imperative of a deal between the separated Greek and Turkish communities.¹⁴⁰

In addition, it is worth mentioning that Annex B, which is dedicated to Canada, is empty with no GI protection appearing on this annex from the Canadian side, thereby showing the imbalanced power dynamic between the two signatory parties in terms of GIs and the passive position occupied by Canada on this subject. During the negotiations, one of the issues that surfaced was the overlap of 36¹⁴¹ newly protected GIs with brand names that already existed and were in use in Canada for a long time and whose prohibition of use will greatly impede Canadian producers (e.g., Jambon de Bayonne, Asiago Cheese, Gorgonzola, Feta, etc.).¹⁴² This forced the EU to make compromises and exceptions. Thus, exceptions are allowed for “Feta”, “Fontina”, “Gorgonzola” and “Munster” cheeses that have been in use by Canadian producers for the last ten years with the obligation to mention qualified additions such as “style”, “imitation”, “type” or “kind”.¹⁴³

In this regard, Canada has secured market share for its cheese producers in its domestic market as a result of the changes that GI protection brings. However, we can agree with

¹³⁹ Huysmans, M. (2019). “Exporting protection: EU trade agreements, geographical indications, and gastronomic nationalism”. 93rd Annual Conference, April 15-17, 2019, Warwick University, Coventry, UK 289668, Agricultural Economics Society - AES.

¹⁴⁰ Marks, S., Stefanini, S. (2017). “Brussels’ secret weapon in Cyprus talks: halloumi cheese”. Politico. Available at: <https://www.politico.eu/article/649814/>

¹⁴¹ Viju, C. (2013). “CETA and Geographical Indicators: Why a Sensitive Issue?”. Canada-Europe Transatlantic Dialogue: Seeking Transnational Solutions To 21st Century Problems. CETA Policy Briefs Series.

¹⁴² James, L. (2017). “Taste the EU: CETA and the expansion of Geographical Indications”. Clark Willson. Available at: <https://www.cwilson.com/taste-the-eu-ceta-and-the-expansion-of-geographical-indications/>

¹⁴³ Wilson, C. (2017). “Say “cheese” ...but not “Taleggio cheese”: CETA’s impact on geographical indications in Canada”. Norton Rose Fulbright. Available at: https://www.nortonrosefulbright.com/en/knowledge/publications/51e8cb44/say-cheesebut-not-taleggio-cheese-cetas-impact-on-geographical-indications-in-canada#_edn3

Huysmans's argument that the EU was willing and prepared to concede such exceptions. Since GI protection is “an offensive red line” for the EU, it was careful to protect at least the most important GIs for its member states, and then ease restrictions on other GIs, in order to ensure the agreement's adoption.¹⁴⁴

This explains the extensive and sometimes unknown list of protected products. Clearly, the objective is to balance the demands of the member states and the accommodation of the trading partner. Furthermore, in his research, Alan Mathews has shown that, among other things, the aggressive approach taken by the European Union to impose GI protection is part of a broader strategy where “each agreement also provides for the addition of GI names in the future”.¹⁴⁵ Indeed, he showed that the number of GIs protected in EU FTAs is each time increasing, from 60 in the EU-South Korea agreement (implemented in 2009) to 172 in CETA (implemented in 2017) to 196 in the EU-Singapore agreement (implemented in 2019).¹⁴⁶

Another dimension of GI protection in CETA is that it does not only protect European products bearing a GI label in Canada, produced, and commercialised by Canadian producers. Indeed, the protection also extends to all Canadian imports. In other words, when Canada begins to protect products bearing a protected GI, any country exporting to Canada would have to change the name of the product, and it is Canada's responsibility to ensure that no imported product is mislabeled.¹⁴⁷ In this way, the EU not only outsources this administration to Canada, but also provides broader protection for its products in markets where it does not yet have access (e.g., the

¹⁴⁴ Huysmans, M. (2019). "Exporting protection: EU trade agreements, geographical indications, and gastronomic nationalism". 93rd Annual Conference, April 15-17, 2019, Warwick University, Coventry, UK 289668, Agricultural Economics Society - AES.

¹⁴⁵ Mathews, A. (2016). "What outcome to expect on geographical indications in the TTIP free trade negotiations with the United States". In F. Arfini, M. Mancini, M. Veneziani, & M. Donati (Eds.), *Intellectual property rights for geographical indications: What is at stake in the TTIP?* (p. 10). Cambridge Scholars Publishing.

¹⁴⁶ *Ibid.*

¹⁴⁷ Viju, C. (2013). "CETA and Geographical Indicators: Why a Sensitive Issue?". *Canada-Europe Transatlantic Dialogue: Seeking Transnational Solutions To 21st Century Problems*. CETA Policy Briefs Series.

USA). This is particularly challenging for Canada, which has market access obligations towards the US under the CUSMA agreement. In this regard, Canada finds itself in the uncomfortable position of pulling the strings between two giant economic poles.¹⁴⁸

Finally, let's not forget that, to date, CETA has not been ratified by all EU member states. As of October 2021 only 17 member states have fully ratified CETA (50% of EU member states), and of the five southern countries, only Spain, Portugal and France have done so.¹⁴⁹ Greece and Italy are still stalling on the level and number of GIs protected by CETA. In particular, Greece has not digested the fact that its FETA cheese was only partially protected, given the exception the EU granted to Canadian producers. "Feta cheese was unfairly singled out [in CETA] because it received the least protection," the Greek government expressed in 2013.¹⁵⁰ However, this position seems to have softened a bit with the election of the Conservative party in Greece, which tends to be pro-CETA.¹⁵¹

The Netherlands is another country where parliamentary elections are proving decisive for the ratification of CETA, where the composition of the parliament and the Senate have changed the direction of the vote. Indeed, at the time of the negotiation and ratification of CETA, the Dutch parliament was predominantly social democratic (Labour Party also known as PvdA) but the Labour Party has since withdrawn its support for CETA by joining a political coalition against CETA.¹⁵² Although CETA was subsequently approved by the Dutch parliament by a narrow

¹⁴⁸ Ibid.

¹⁴⁹ Cherniak, C. T. (2019). "Canada: Only 50% Of EU Countries Have Ratified the Canada-EU CETA". Mondaq. Available at: <https://www.mondaq.com/canada/export-controls-trade-investment-sanctions/830114/only-50-of-eu-countries-have-ratified-the-canada-eu-ceta>

¹⁵⁰ Patterson, B. (2013). "Could Feta Defeat Ceta?". The Council of Canadians. Available at: <https://canadians.org/analysis/could-feta-defeat-ceta>

¹⁵¹ Food Watch. (2021). "12 EU Member States can still stop CETA". Available at: <https://www.foodwatch.org/en/campaigns/ceta/12-eu-member-states-can-still-stop-ceta/>

¹⁵² Lavranos, N. (2020). "CETA ratification: How the Dutch government hopes to win over parliament". Borderlex.

majority of 72 votes to 69, it still needs to be approved by the Senate.¹⁵³ Therefore, the recent parliamentary elections of March 2021 and the re-composition of the parliament and the senate could change the situation.

Finally, a very interesting case is that of Cyprus, whose parliament voted against the ratification of CETA in 31 July 2020. The reason for this rejection is, among other things, related to the “insufficient legal protections for the Halloumi cheese”.¹⁵⁴ Since then, the Cypriot government has refused to notify the EU of its rejection of CETA and, instead, has tried to negotiate greater protection for Halloumi in CETA and, hopefully, get the national parliament to vote again on CETA, in favour this time. This example further demonstrates the coveted power of EU member countries to use their veto over trade agreements of a mixed nature that require approval by national parliaments. It reveals how CETA reflects internal battles between the EU and its member countries to achieve “political capital at home”.¹⁵⁵

4.3 The Next Step

After having succeeded in obtaining protection for geographical indications in all its new generation trade negotiations, the European Union went beyond this framework by granting GI protecting to non-European products outside of any free trade agreement. It has already been mentioned in this paper that the EU protects a total of 190 GIs on non-European agricultural products and foodstuffs on its market. However, what is interesting for the present paper is that

¹⁵³ Murawski, S. (2020). “Could the Dutch Labour Party vote down controversial trade deal CETA?”. Open Democracy. Available at: <https://www.opendemocracy.net/en/oureconomy/could-spell-end-controversial-trade-deal-ceta/>

¹⁵⁴ Moens, B., Leali, G., Mears, E. (2020). “Halloumi cheese puts EU’s Canada trade deal to the test”. Politico. Available at: <https://www.politico.eu/article/halloumi-cheese-puts-eu-trade-policy-to-the-test/>

¹⁵⁵ Connolly, A. (2020). “Could Europe’s Cyprus halloumi dispute derail CETA? Maybe, but solution likely”. Global News. Available at: <https://globalnews.ca/news/7255056/ceta-cyprus-halloumi-dispute/>

out of these 190 GIs, 119 come from countries with which the EU does not have trade agreements.¹⁵⁶ The majority (100 GI products) come from China under the recent *EU-China Geographical Indications Agreement*, which entered into force in March 2021.¹⁵⁷ This agreement has coincided with the recently resumed negotiation of the EU–China Comprehensive Agreement on Investment (CAI) in December 2020, whose ratification has been blocked by the European Parliament due to China’s human rights violations.¹⁵⁸

The EU-China Geographical Indications Agreement is a breakthrough for the EU to expand its policy throughout the Asia-Pacific region by gaining access to a key and strategic market, and to gain leverage for its future negotiations both internally with its member states and externally with its future partners. Furthermore, this agreement with China reaffirms the proliferation of the EU's vision of GI protection and its *sui generis* system on the international scene.¹⁵⁹ By opting for an autonomous agreement on GIs, the EU has again demonstrated its regulatory power in international trade, where it has succeeded in having its GIs registered in a new jurisdiction,¹⁶⁰ the world's third largest economy.

¹⁵⁶ European Commission. (n.d.). “eAmbrosia Database”. Available at: <https://ec.europa.eu/info/food-farming-fisheries/food-safety-and-quality/certification/quality-labels/geographical-indications-register/>

¹⁵⁷ Chu, Y. (2021). “The EU-China Landmark Geographical Indications Agreement: a breakthrough to improve trade development and intellectual property protection”. University of Geneva. MEIG Programme. Available at: <https://www.meig.ch/highlight-12-2021-the-eu-china-landmark-geographical-indications-agreement-a-breakthrough-to-improve-trade-development-and-intellectual-property-protection/>

¹⁵⁸ Ridgewell, H. (2021). “EU Suspends China Trade Deal as Tensions Grow Over Xinjiang, Hong Kong”. VOA News. Available at: https://www.voanews.com/a/east-asia-pacific_voa-news-china_eu-suspends-china-trade-deal-tensions-grow-over-xinjiang-hong-kong/6205673.html

¹⁵⁹ Cazzini, F. (2020). “EU and China around the Same Table: The New Agreement on Geographical Indications. Regulating of Globalization”. Available at: <http://regulatingforglobalization.com/2020/12/01/eu-and-china-around-the-same-table-the-new-agreement-on-geographical-indications/>

¹⁶⁰ Ibid.

Another particularly interesting example is the GI registration for South African Rooibos tea in the EU.¹⁶¹ Indeed, in March 2021, the EU granted South Africa the registration of the Rooibos GI and awarded it the PDO label (the highest level).¹⁶² Thus, South African Rooibos tea became the very first product from Africa to receive approval for registration under the EU's international protection status.¹⁶³ Unlike the previous example of China, this GI approval took place outside of any type of agreement. The date of the granting of this GI to Rooibos tea (March 2021) is not randomly chosen. Indeed, it coincided with the second phase of the negotiations on the African Continental Free Trade Area (AfCFTA)¹⁶⁴ agreement (to which South Africa is a signatory member), the largest global free trade area by countries participating. This second phase of negotiation, which started in January 2020, is the one that covers intellectual property.¹⁶⁵ Thus, this suggests that by approving the GI for Rooibos and promoting the economic benefits that this GI will bring to the development of South Africa, the EU is looking to rally more African countries to adopt its GI system.¹⁶⁶

Finally, in this new phase, the EU is increasingly taking the place of a central regulatory body. A striking example is the basmati rice battle between India and Pakistan. Indeed, in September 2020 India applied for exclusive GI rights over basmati rice with the EU's Council on

¹⁶¹ Bonadio, E., Contardi, M. (2021). "Rooibos tea: EU protection is good news for South African agriculture". The conversation. Available at: <https://theconversation.com/rooibos-tea-eu-protection-is-good-news-for-south-african-agriculture-163502>

¹⁶² Egwu, P. (2021). "South Africa's beloved Rooibos tea is now in the same league as Champagne, Feta, and Irish Whiskey". Quartz Africa. Available at: <https://qz.com/africa/2023356/south-africas-rooibos-joins-champagne-to-gets-eu-certification/>

¹⁶³ Ibid.

¹⁶⁴ The World Bank. (2020). "The African Continental Free Trade Area". Available at: <https://www.worldbank.org/en/topic/trade/publication/the-african-continental-free-trade-area>

¹⁶⁵ ATPPN. (2020). "AfCFTA Phase II Negotiations on Intellectual Property – Should Geographical Indications Disciplines Matter?". Available at: <https://trapca.org/atppn/afcfta-phase-ii-negotiations-on-intellectual-property/>

¹⁶⁶ Furtuna, G. (2021). "Commission awards historic EU protection for African food". EURACTIV. Available at: <https://www.euractiv.com/section/agriculture-food/news/commission-awards-historic-eu-protection-for-african-food/>

Quality Schemes for Agricultural and Foodstuffs.¹⁶⁷ Nonetheless, basmati rice has a joint heritage between India and Pakistan. In response to India's application for GI rights over basmati rice, Pakistan filed a "Notice of Opposition" against the Indian claim in the EU.¹⁶⁸ As a result, the EU found itself in a position of intermediary between the two opposing parties. In an initial position, the EU gave India and Pakistan time to settle the dispute between them and opt for shared ownership of the GI for basmati rice.¹⁶⁹ However, if no settlement was reached, the two countries would proceed to litigation in the Court of the EU.¹⁷⁰ It should be noted that prior to Pakistan's notification of objection, the EU had approved India's application in its official journal and thus claimed basmati rice as a product of Indian origin.¹⁷¹ To this end, the EU is impersonating the WTO as a regulator and facilitator of international trade issues and in revising and enforcing the rules that govern international trade.

5. Conclusion

Geographical indications are a distinct type of intellectual property right that protects products originating in specific regions and possessing specific qualities or a reputation linked to the territory of production. Over the past decade, the EU has succeeded in becoming a world leader in GI protection, with more than 4,968 GIs in force protecting food products and wines, representing 57% of GI applications worldwide.

¹⁶⁷ Ghai, R. (2021). "Don't worry, experts say after Pakistan gets GI tag for its own Basmati rice". Down to Earth. Available at: <https://www.downtoearth.org.in/news/agriculture/don-t-worry-experts-say-after-pakistan-gets-gi-tag-for-its-own-basmati-rice-75239>

¹⁶⁸ Farooq Khan, O. (2021). "EU accepts Pak plea for Basmati GI". The Times of India. Available at: <https://timesofindia.indiatimes.com/world/pakistan/eu-accepts-pak-plea-for-basmati-gi/articleshow/81418487.cms>

¹⁶⁹ Ibid.

¹⁷⁰ Ibid.

¹⁷¹ Abbas, G. (2021). "Basmati GI case to land in EU court as dialogue deadline nears end". PT Profit. Available at: <https://profit.pakistantoday.com.pk/2021/09/01/basmati-gi-case-to-land-in-court-as-negotiation-deadline-nears-end/>

The EU has also succeeded in extending this protection internationally through its various free trade agreements, where GI provisions have been a key element in the negotiation and ratification of these agreements. To date, the EU has concluded 36 FTAs that are currently in force with GI chapters; it also has 13 ongoing FTA negotiations that include a chapter on GIs. Furthermore, the EU has gone beyond such agreements to spread its GI protection system around the world by granting GI protection to non-European products inside its single market simply by regulatory decisions (i.e., outside of any trade agreement).

This paper sought to understand the drivers behind the importance of GIs in the EU's international trade policy and the emphasis on export protection. At the outset, it asked the following research following questions: **Why** is it so important for the EU to protect GIs in its trade policy? **How** does it protect GIs through its trade agreements and beyond? **What** is the next step? The research has revealed that in using GIs the EU has succeeded in creating a commercial niche market characterized by differentiated products that have allowed it to compete in international markets for agricultural products, while preserving the welfare and protecting its traditional know-how and small producers. It also reveals that for the EU the benefits of GIs do not stop at the defense of a product's name by the EU against "imitations and false indications", they also include the standardization of the quality of the products as well as their promotion to increase their visibility worldwide. Thus, GIs are "evolving as institutions and not as statically protected food production systems".¹⁷² Indeed, we have seen the EU has become increasingly aggressive in granting GI marks and ensuring their protection beyond its borders, as these labels

¹⁷² Marescotti, A., Xiomara F., Quiñones, R, Edelmann, H., Belletti, Giovanni., Broscha, Kristina., Altenbuchner, C. Penker, M., Scaramuzzi, S. (2020). "Are Protected Geographical Indications Evolving Due to Environmentally Related Justifications? An Analysis of Amendments in the Fruit and Vegetable Sector in the European Union". Sustainability 12, no. 9: 3571. Available at: <https://doi.org/10.3390/su12093571>

have become one of its main assets and the greatest source of competitive advantage on the international market.

To this end, the export of the GI system is part of a broader framework of exporting European policies and laws, known as the “Brussels effect”, in which the EU seeks “unilateral EU power to regulate world markets without the need for international institutions or the advice of other nations”.¹⁷³ The EU has thus become the reference in terms of GI policies and the center of regulation of GI protection, as demonstrated in the example of basmati rice between India and Pakistan. Furthermore, through the case study of CETA, we have demonstrated that there are political implications of a nationalistic nature that fuel the engine of GI policy in the EU and push for a strengthening of this policy under the umbrella of cultural and identity preservation. Even more, we can argue that there is a level of politicization of GI protection in CETA, motivated by gastro-nationalist and protectionist beliefs. Finally, we have shown that the EU in its new phase of GI protection has gone beyond trade agreements to protect non-European products in its market thus confirming its hegemony in the GI market and its undeniable regulatory power.

6. Bibliography

- Abbas, G. (2021). “Basmati GI case to land in EU court as dialogue deadline nears end”. PT Profit. Available at: <https://profit.pakistantoday.com.pk/2021/09/01/basmati-gi-case-to-land-in-court-as-negotiation-deadline-nears-end/>
- Addor, F., Thumm, N. (2003). “Geographical Indications: Important issues for Industrialized and Developing Countries”. The European Commission Joint Research Center. ISSN: 1025-9384. p.28. Available at: https://www.researchgate.net/publication/274008710_Geographical_Indications_Important_Issues_for_Industrialized_and_Developing_Countries
- Addor, F., Grazioli, A. (2002). “Geographical indications beyond wines and spirits”. *The Journal of World Intellectual Property*, Vol. 5, No. 6, pp. 865-97.

¹⁷³ Bradford, A. (2019). “The Brussels Effect: How the European Union Rules the World”. New York, NY: Oxford University Press. p.xiv. Available at: DOI:10.1093/oso/9780190088583.001.0001

- Agarwal, S., Barone, M. (2005). “Emerging Issues for Geographical Indication Branding Strategies”. MATRIC research paper 05-MRP 9. Center for Agricultural and Rural Development, Iowa State University. Available at:
<https://www.card.iastate.edu/products/publications/synopsis/?p=567>
- AND-International. 2019. “Study on economic value of EU quality schemes, geographical indications (GIs) and traditional specialties guaranteed (TSGs)”. European Commission. p16. doi:10.2762/396490.
- ATPPN. (2020). “AfCFTA Phase II Negotiations on Intellectual Property – Should Geographical Indications Disciplines Matter?”. Available at: <https://trapca.org/atppn/afcfta-phase-ii-negotiations-on-intellectual-property/>
- Awad, B., Cadogan, M. (2017). “CETA and the Future of Geographical Indications Protection in Canada. Center for International Governance Innovation”. CIGI Papers No. 131. Available at: https://www.cigionline.org/sites/default/files/documents/Paper%20no.131_WEB.pdf
- Babcock, B., and Clemens, R. (2004). “Geographical Indications and Property Rights: Protecting Value-Added Agricultural Products”. MATRIC briefing paper 04-MBP 7. Center for Agricultural and Rural Development, Iowa State University.
- Barone, A. (2020). “Free Trade Agreement”. Investopedia. Available at:
<https://www.investopedia.com/terms/f/free-trade.asp>
- BBC. (2019). Europe and right-wing nationalism: A country-by-country guide. Available at:
<https://www.bbc.com/news/world-europe-36130006>
- Becker, T. (2009). “European Food Quality Policy: The importance of Geographical Indications”. *The Estey Centre Journal of International Law and Trade Policy*, Vol. 10, No.1, pp.111-130
- Bessaoud, O. (2009). « Dynamique de l'offre de produits de qualité, marchés et organisations des producteurs en Méditerranée ». In: Tekelioglu Y. (ed.), Ilbert H. (ed.), Tozanli S. (ed.). Les produits de terroir, les indications géographiques et le développement local durable des pays méditerranéens. Montpellier : CIHEAM, 2009. p. 73-87. (Options Méditerranéennes : Série A. Séminaires Méditerranéens; n. 89). Séminaire international sur Les Produits de Terroir, les Indications Géographiques et le Développement Local Durable des Pays Méditerranéens, 2008/04/24-26, Antalya (Turquie). Available at: <http://om.ciheam.org/om/pdf/a89/00801082.pdf>.
- Bonadio, E., Contardi, M. (2021). “Rooibos tea: EU protection is good news for South African agriculture”. The conversation. Available at: <https://theconversation.com/rooibos-tea-eu-protection-is-good-news-for-south-african-agriculture-163502>
- Bradford, A. (2019). “The Brussels Effect: How the European Union Rules the World”. New York, NY: Oxford University Press. p.xiv. Available at: DOI:10.1093/oso/9780190088583.001.0001
- Cazzini, F. (2020). “EU and China around the Same Table: The New Agreement on Geographical Indications. Regulating of Globalization”. Available at:
<http://regulatingforglobalization.com/2020/12/01/eu-and-china-around-the-same-table-the-new-agreement-on-geographical-indications/>

- Cherniak, C. T. (2019). “Canada: Only 50% Of EU Countries Have Ratified the Canada-EU CETA”. Mondaq. Available at: <https://www.mondaq.com/canada/export-controls-trade-investment-sanctions/830114/only-50-of-eu-countries-have-ratified-the-canada-eu-ceta>
- Chopain, T. (2019). “Europe and the identity challenge: who are “we”?”. Foundation Robert Schuman the Research and Studies Center on Europe. European Issue n°466. Available at: <https://www.robert-schuman.eu/en/european-issues/0466-europe-and-the-identity-challenge-who-are-we>
- Chu, Y. (2021). “The EU-China Landmark Geographical Indications Agreement: a breakthrough to improve trade development and intellectual property protection”. University of Geneva. MEIG Programme. Available at: <https://www.meig.ch/highlight-12-2021-the-eu-china-landmark-geographical-indications-agreement-a-breakthrough-to-improve-trade-development-and-intellectual-property-protection/>
- Commission Européenne. (2018). « Indications géographiques : l'Europe protège ses produits et ses terroirs ! ». Available at: https://ec.europa.eu/france/news/20161212_ca_marche_protection_indications_geographiques_fr
- Conconi, P., Herghelegiu, C., Puccio, L. (2021). “EU Trade Agreements: To Mix or Not to Mix, That Is the Question”, *Journal of World Trade*, Issue 2, pp. 231-260. Available at: <https://kluwerlawonline.com/journalarticle/Journal+of+World+Trade/55.2/TRAD2021009>
- Connolly, A. (2020). “Could Europe’s Cyprus halloumi dispute derail CETA? Maybe, but solution likely”. Global News. Available at: <https://globalnews.ca/news/7255056/ceta-cyprus-halloumi-dispute/>
- Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs. *Official Journal of the European Union*. Available at: <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:093:0012:0025:en:PDF>
- Council Regulation (EC) no. 510/2006, Article 13, March 20, 2006, on the protection of geographical indications and designations of origin for agricultural products and foodstuffs. Available at: <http://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX:32006R0510>.
- Curzi, D., Huysmans, M. (2021). “The Impact of Protecting EU Geographical Indications in Trade Agreements”. *Amer. J. Agr. Econ.* Available at: <https://doi.org/10.1111/ajae.12226>
- Darby, K., Batt, M. T., Ernst, S., Roe, B. (2006). “Willingness to pay for locally produced foods: A customer intercept study of direct market and grocery store shoppers”. Department of Agricultural, Environmental and Development Economics, The Ohio State University. Available at: <https://core.ac.uk/download/pdf/6833434.pdf>
- Delegation of the European Union to Canada. (2021). “Food identity and geographical indications in Western Canada”. Youtube. [Video]. Available at: <https://www.youtube.com/watch?v=RMVrR1vsal0>
- Delegation of the European Union to Canada. (2021). “Food identity as a tool for local development - what do producers think?”. Youtube. [Video]. Available at: <https://www.youtube.com/watch?v=tVHOWQlc6HQ>

- DeSaucey, M. (2010). “Gastronationalism: Food Traditions and Authenticity Politics in the European Union”. *American Sociological Review*, Washington Vol. 75, Iss. 3. pp. 432-455. Available at: ProQuest. DOI 10.117/0003122410372226.
- Deselnicu, O. A., Costanigro, M., Souza-Monteiro, D. M., McFadden, D. T. (2013). “A Meta-Analysis of Geographical Indication Food Valuation Studies: What Drives the Premium for Origin-Based Labels?”. *Journal of Agricultural and Resource Economics*, Vol.38, No. 2. pp. 204–219. Available at: <http://www.yucita.org/uploads/yayinlar/diger/makale/AMetaAnalysisofGeographicalIndicationFoodValuationStudiesWhatDrivesThePremiumforOrigin-BasedLabels.pdf>
- Donner, M., Fort, F., Vellema, S., (2017). “From Geographical Indications to Collective Place Branding in France and Morocco”. Springer International Publishing AG 2017 W. van Caenegem and J. Cleary (eds.), *The Importance of Place: Geographical Indications as a Tool for Local and Regional Development*, *Ius Gentium: Comparative Perspectives on Law and Justice* 58, Chapter 7, pp. 173-196, Available at: DOI 10.1007/978-3-319-53073-4_7
- Economy Watch. (2010). “Trade Policy”. Available at: <https://www.economywatch.com/trade-policy>
- Egwu, P. (2021). “South Africa’s beloved Rooibos tea is now in the same league as Champagne, Feta, and Irish Whiskey”. Quartz Africa. Available at: <https://qz.com/africa/2023356/south-africas-rooibos-joins-champagne-to-gets-eu-certification/>
- Ehnts, D., Trautwein, H.M. (2015). “From New Trade Theory to New Economic geography: A Space Odyssey”. *Open Edition Journals*. Available at: <http://journals.openedition.org/oeconomia/1616>
- EUR-Lex. (n,d). « Les accords internationaux et les compétences externes de l’Union européenne ». Available at: <https://eur-lex.europa.eu/legal-content/FR/TXT/?uri=legisum%3Aai0034>
- European Commission. (n.d.). “eAmbrosia Database”. Available at: <https://ec.europa.eu/info/food-farming-fisheries/food-safety-and-quality/certification/quality-labels/geographical-indications-register/>
- European Commission. (n.d.). “Prosciutto di Parma PDO”. Available at: https://ec.europa.eu/info/food-farming-fisheries/food-safety-and-quality/certification/quality-labels/eu-quality-food-and-drink/prosciutto-di-parma_en
- European Commission. (2017). “Statement by Mr Jean-Claude Juncker, President of the European Commission and Mr Justin Trudeau, Prime Minister of Canada”. Available at: https://ec.europa.eu/commission/presscorner/detail/en/STATEMENT_17_1959
- European Union. (2012). Regulation (EU) No. 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs. *Official Journal of the European Union*, L341, 1–29.
- Farooq Khan, O. (2021). “EU accepts Pak plea for Basmati GI”. *The Times of India*. Available at: <https://timesofindia.indiatimes.com/world/pakistan/eu-accepts-pak-plea-for-basmati-gi/articleshow/81418487.cms>
- Food Watch. (2021). “12 EU Member States can still stop CETA”. Available at: <https://www.foodwatch.org/en/campaigns/ceta/12-eu-member-states-can-still-stop-ceta/>

- Fournier, S., Biénabe, E., Marie-Vivien, D., Durand, C., Sautier, D., Cerdan, C. (2018). « Les indications géographiques au regard de la théorie des communs ». *Revue internationale des études du développement*, Vol.233, pp.139-162. Available at : <https://doi.org/10.3917/ried.233.0139>
- Furtuna, G. (2021). “Commission awards historic EU protection for African food”. EURACTIV. Available at: <https://www.euractiv.com/section/agriculture-food/news/commission-awards-historic-eu-protection-for-african-food/>
- Gastineau, N. (2021). « L’effet Bruxelles : quand l’Union européenne transforme le monde par le droit ». *Philosophie Magazine*. Available at : <https://www.philomag.com/articles/leffet-bruxelles-quand-lunion-europeenne-transforme-le-monde-par-le-droit>
- Ghai, R. (2021). “Don’t worry, experts say after Pakistan gets GI tag for its own Basmati rice”. *Down to Earth*. Available at: <https://www.downtoearth.org.in/news/agriculture/don-t-worry-experts-say-after-pakistan-gets-gi-tag-for-its-own-basmati-rice-75239>
- Global Affairs Canada. (2017). “Text of the Comprehensive Economic and Trade Agreement – Chapter twenty: Intellectual property. Article 20.19 – Protection for geographical indications listed in Annex 20-A. Government of Canada”. Available at: <https://www.international.gc.ca/trade-commerce/trade-agreements-accords-commerciaux/agr-acc/ceta-aecg/text-texte/20.aspx?lang=eng>
- Global Affairs Canada. (2017). “Text of the Comprehensive Economic and Trade Agreement – Chapter twenty: Intellectual property. Government of Canada”. Available at: <https://www.international.gc.ca/trade-commerce/trade-agreements-accords-commerciaux/agr-acc/ceta-aecg/text-texte/20.aspx?lang=eng>
- Hermann, R., Teuber, R. (2011). “Geographically Differentiated Products”. *The Oxford Handbook of the Economics of Food Consumption and Policy*. DOI: 10.1093/oxfordhb/9780199569441.013.0034
- Huysmans, M. (2019). "Exporting protection: EU trade agreements, geographical indications, and gastrationalism". 93rd Annual Conference, April 15-17, 2019, Warwick University, Coventry, UK 289668, Agricultural Economics Society - AES.
- Huysmans, M. (2020). “Exporting protection: EU trade agreements, geographical indications, and gastrationalism”. *Review of International Political Economy*. DOI:10.1080/09692290.2020.1844272
- Huysmans, M., Swinnen, J. (2019). “No terroir in the cold? A note on the geography of geographical indications”. *Journal of Agricultural Economics*, Vol. 70, No.2, pp.550–559. Available at: <https://doi.org/10.1111/1477-9552.12328>
- ICI Radio Canada. (2019). « L'Italie rejette l'accord de libre-échange entre l'UE et le Canada ». Available at: <https://ici.radio-canada.ca/nouvelle/1106972/union-europeenne-canada-italie-aecg-ceta-italie-igp-aop>
- Ilbert, H., Petit, M. (2009). “Are Geographical Indications a Valid Property Right? Global Trends and Challenges”. *Development Policy Review*, Vol. 27, No. 5, pp. 503-528. DOI:10.1111/j.1467-7679.2009.00457. x. Available at:

https://www.researchgate.net/publication/46541776_Are_Geographical_Indications_a_Valid_Property_Right_Global_Trends_and_Challenges

Institut National De l'Origine et De La Qualité. (n, d). "Traditional Speciality Guaranteed". Available at: <https://www.inao.gouv.fr/eng/Official-signs-identifying-quality-and-origin/Traditional-Speciality-Guaranteed>

IP Australia. (2019). "Geographical indications". Available at: <https://www.ipaustralia.gov.au/trade-marks/understanding-trade-marks/types-trade-marks/certification-trade-mark/geographical#What%20is%20a%20geographical%20indication?>

IPkey. (2021). "The Geographical Indications System in the European Union". [Video]. YouTube. Retrieved from: <https://www.youtube.com/watch?v=jTmHsCdV-R4&list=PLSs4WHJub1p0vbJ2Xc1QKOU5ntuQcueb2>

James, L. (2017). "Taste the EU: CETA and the expansion of Geographical Indications". Clark Willson. Available at: <https://www.cwilson.com/taste-the-eu-ceta-and-the-expansion-of-geographical-indications/>

Kamminga, M. T. (2020). "Extraterritoriality". Max Planck Encyclopedia of Public International Law [MPEPIL]. Oxford Public International Law. Available at: <https://opil.ouplaw.com/view/10.1093/law:epil/9780199231690/law-9780199231690-e1040>

Larousse. (n.d.). « Néoprotectionnisme ». Dictionnaire Larousse. Available at: <https://www.larousse.fr/dictionnaires/francais/n%C3%A9oprotectionnisme/54230>

Lavranos, N. (2020). "CETA ratification: How the Dutch government hopes to win over parliament". Borderlex.

Lilieveldt, H. (2016). "Gastronationalism? How Europe's food production is becoming entangled in nationalist politics". London School of Economics and Political Science Blog. Available at: <https://blogs.lse.ac.uk/euoppblog/2016/10/18/gastronationalism-nationalist-politics/>

Mancombu, S. R. (2021). "India likely to get exclusive rights to sell Basmati in EU". The Hindu Business Line. Available at: <https://www.thehindubusinessline.com/economy/agri-business/india-likely-to-get-exclusive-rights-to-sell-basmati-in-eu/article36428197.ece>

Marescotti, A., Xiomara F., Quiñones, R, Edelmann, H., Belletti, Giovanni., Broscha, Kristina., Altenbuchner, C. Penker, M., Scaramuzzi, S. (2020). "Are Protected Geographical Indications Evolving Due to Environmentally Related Justifications? An Analysis of Amendments in the Fruit and Vegetable Sector in the European Union". Sustainability 12, No. 9: 3571. Available at: <https://doi.org/10.3390/su12093571>

Market Business News. (n.d.). "What is international trade? Definition and meaning". Available at: <https://marketbusinessnews.com/financial-glossary/international-trade-definition-meaning/>

Marks, S., Stefanini, S. (2017). "Brussels' secret weapon in Cyprus talks: halloumi cheese". Politico. Available at: <https://www.politico.eu/article/649814/>

Matthews, A. (2016). "What outcome to expect on geographical indications in the TTIP free trade negotiations with the United States". In F. Arfini, M. Mancini, M. Veneziani, & M. Donati (Eds.),

- Intellectual property rights for geographical indications: What is at stake in the TTIP? (p. 10). Cambridge Scholars Publishing.
- Maus, G. (2014). "Arguments Over Geographical Indications: Spreading the Trademark System Through the Korean-U.S. Free Trade Agreement". J.D., Drake University Law School. pp. 230-233. Available at: <https://aglawjournal.wp.drake.edu/wp-content/uploads/sites/66/2016/09/agVol19No2-maus.pdf>
- Menapace, L. (2010). "Geographical indications and quality promotion in food and agricultural markets: domestic and international issues". Graduate Theses and Dissertations. 11532. Iowa State University. Available at: <https://lib.dr.iastate.edu/etd/11532>
- Michelle, A. (2007). "Removing the Greek from Feta and Adding Korbel to Champagne: The Paradox of Geographical Indications in International Law". 18 Fordham Intell. Prop. Media & Ent. L.J. 541. Available at: <https://ir.lawnet.fordham.edu/iplj/vol18/iss2/6>
- Ministère de l'Agriculture et de l'Alimentation. (2015). "Geographical Indications Obtain Greater International Protection". Available at: <https://agriculture.gouv.fr/geographical-indications-obtain-greater-international-protection>
- Moens, B. (2021). "Europe's glory days of trade deals are over". Politico. Available at: <https://www.politico.eu/article/eu-trade-glory-days-over/>
- Moens, B., Leali, G., Mears, E. (2020). "Halloumi cheese puts EU's Canada trade deal to the test". Politico. Available at: <https://www.politico.eu/article/halloumi-cheese-puts-eu-trade-policy-to-the-test/>
- Moore, B., Wong, J. (2019). "What You Need To Know About Geographical Indications In Canada". Mondaq. Available at: <https://www.mondaq.com/canada/trademark/833754/what-you-need-to-know-about-geographical-indications-in-canada>
- Murawski, S. (2020). "Could the Dutch Labour Party vote down controversial trade deal CETA?". Open Democracy. Available at: <https://www.opendemocracy.net/en/oureconomy/could-spell-end-controversial-trade-deal-ceta/>
- O'Connor and company and Insight Consulting. (n.d.). "Geographical indications and TRIPS: 10 Years Later... A roadmap for EU GI holders to get protection in other WTO Members". Commission of the European Communities. Available at: https://trade.ec.europa.eu/doclib/docs/2007/june/tradoc_135088.pdf
- Okediji, R. L. (2007). "The International Intellectual Property Roots of Geographical Indications". University of Arkansas. System Division of Agriculture. CHICAGO-KENT LAW REVIEW, 82 CHI.-KENT L. REV. 1329.
- ÖRGÜN, B, O. (2012). "Strategic Trade Policy Versus Free Trade". Procedia - Social and Behavioral Sciences. 8th International Strategic Management Conference. Elsevier Ltd. pp. 1283-1292. Available at: <https://doi.org/10.1016/j.sbspro.2012.09.1111>
- Paquin, S. (2019). « Danger en vue pour l'accord Canada-Europe ». Le Devoir. Available at: <https://www.ledevoir.com/opinion/idees/567644/accord-canada-europe-danger-en-vue>
- Parmigiano Reggiano. (n.d.). Available at: <https://www.parmigianoreggiano.com>.

- Patel, N. (2011). “Geographical Indications: Pros and Cons”. Available at: SSRN: <https://ssrn.com/abstract=1922347> or <http://dx.doi.org/10.2139/ssrn.1922347>
- Patterson, B. (2013). “Could Feta Defeat Ceta?”. The Council of Canadians. Available at: <https://canadians.org/analysis/could-feta-defeat-ceta>
- Patterson, B. (2014). “Syria Government in Greece Would Veto CETA”. The Council of Canadians. Available at: <https://canadians.org/analysis/syria-government-greece-would-veto-ceta>
- Pike, A. (2013). “Economic Geographies of Brands and Branding”. *Economic Geography* 89, no. 4. pp 317–339. Available at: <https://doi.org/10.1111/ecge.12017>.
- Porter, M.E. (1985). “Competitive advantage: Creating and sustaining superior performance”. New York: The Free Press.
- Rangnekar, D. (2002). “The Pros and Cons of Stronger Geographical Indication Protection”. Bridges Comment. Available at: <https://www.iprsonline.org/ictsd/docs/RangnekarBridgesYear6N3MarchApril2002.pdf>
- Raustiala, K., Munzer, S. R. (2007). “The Global Struggle Over Geographic Indications”. *The European Journal of International Law*, Vol. 18, No. 2, pp. 337–365. doi: 10.1093/ejil/chm016. Available at: <http://ejil.org/pdfs/18/2/227.pdf>
- Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs. *Official Journal of the European Union*. Available at: <http://data.europa.eu/eli/reg/2012/1151/oj>
- Réquillart, V. (2007). “On the Economics of Geographical Indications in the EU”. Paper to be presented at the workshop ‘Geographical Indications, Country of Origin and Collective Brands: Firm Strategies and Public Policies’ (Toulouse, June 14-15, 2007). Toulouse School of Economics (GREMAQ-INRA & IDEI). Available at: <https://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.500.8185&rep=rep1&type=pdf>
- Reuters, T. (2018). “Italy won't ratify EU free-trade deal with Canada, says new farm minister”. CBC. Available at: <https://www.cbc.ca/news/politics/italy-ceta-canada-food-1.4705622>
- Ridgewell, H. (2021). “EU Suspends China Trade Deal as Tensions Grow Over Xinjiang, Hong Kong”. VOA News. Available at: https://www.voanews.com/a/east-asia-pacific_voa-news-china_eu-suspends-china-trade-deal-tensions-grow-over-xinjiang-hong-kong/6205673.html
- Sen, S. (2010). “International trade theory and policy: A review of the literature”. Working Paper, No. 635, Levy Economics Institute of Bard College, Annandale-on Hudson, NY. Available at: <https://www.econstor.eu/bitstream/10419/57042/1/642320969.pdf>
- Sorgho, Z. (2014). « Protection Des Dénominations Géographiques Dans L’union Européenne Effectivité Et Analyse Des Effets Sur Le Commerce ». Thèse. Université Laval.
- Spencer, B. J., Brander, J. A. (2008). “Strategic trade policy. The New Palgrave Dictionary of Economics”. Second Edition. Eds. Steven N. Durlauf and Lawrence E. Blume. Available at: http://www.dictionaryofeconomics.com/article?id=pde2008_S000300

- Suranovic, S. (2010). "International Trade: Theory and Policy. Chapter 8: Domestic Policies and International Trade". Saylor Foundation. ISBN 13: 9781936126446
- Terzea, E. R. (2016). "The Concept of International Trade and Main Classical Theories". *SEA-Practical Application of Science*. Volume IV, Issue 2. Available at: https://seaopenresearch.eu/Journals/articles/SPAS_11_10.pdf
- The World Bank. (2020). "The African Continental Free Trade Area". Available at: <https://www.worldbank.org/en/topic/trade/publication/the-african-continental-free-trade-area>
- Toute L'Europe. (2020). « CETA, JEFTA, Mercosur... qu'est-ce qu'un accord de libre-échange de "nouvelle génération"? ». Available at: <https://www.touteurope.eu/economie-et-social/ceta-jefta-mercotur-qu-est-ce-qu-un-accord-de-libre-echange-de-nouvelle-generation/>
- Vallin, M. (2021). "Food products identity and labeling in Western provinces". Delegation of the European Union to Canada and the EU Chamber of Commerce in Canada-West. Available at: <https://vimeo.com/549060499/ae77556bef>
- Velut, J.B. (2015). "Trade Policy". International Encyclopedia of the Social & Behavioral Sciences, 2nd edition, Volume 24. Elsevier Ltd. pp. 485-490. Available at: <https://doi.org/10.1016/B978-0-08-097086-8.75053-7>
- Viju, C. (2013). "CETA and Geographical Indicators: Why a Sensitive Issue?". Canada-Europe Transatlantic Dialogue: Seeking Transnational Solutions To 21st Century Problems. CETA Policy Briefs Series.
- Wanat, Z., Hanke Vela, J. (2019). "The rise of the gastronationalists: Europe's South looks to protect its feta and its fetuccinne". Politico.eu. Available at: <https://www.politico.eu/article/origin-labels-europe-the-rise-of-the-gastronationalists/>
- Watson, K. W. (2016). "Reign of Terroir How to Resist Europe's Efforts to Control Common Food Names as Geographical Indications". CATO Institute. Policy Analysis No. 787. p. 4-5.
- Wekesa, M. (2006). "What Is Sui Generis System of Intellectual Property Protection?". African Technology Policy Studies Network. ISBN: 9966-916-71-7
- Wilson, C. (2017). "Say "cheese" ...but not "Taleggio cheese": CETA's impact on geographical indications in Canada". Norton Rose Fulbright. Available at: https://www.nortonrosefulbright.com/en/knowledge/publications/51e8cb44/say-cheesebut-not-taleggio-cheese-cetas-impact-on-geographical-indications-in-canada#_edn3
- World Intellectual Property Organization. (2019). "Geographical Indications. World Intellectual Property Indicators". Chapter 5. p.180. Available at: https://www.wipo.int/edocs/pubdocs/en/wipo_pub_941_2019-chapter5.pdf
- World Intellectual Property Organization. (n.d.). "Frequently Asked Questions: Geographical Indications". Available at: https://www.wipo.int/geo_indications/en/faq_geographicalindications.html
- World Intellectual Property Organization. (n.d.). "Geographical Indications, what is a geographical indication?". Available at: https://www.wipo.int/geo_indications/en/

World Intellectual Property Organization. (n.d.). “What is WIPO?”. Available at:
<https://www.wipo.int/about-wipo/en/>

World Trade Organization. (2005). “Issues Related to The Extension of The Protection of Geographical Indications Provided for In Article 23 of the TRIPs agreement To Products Other Than Wines and Spirits”. WT/GC/W/546 TN/C/W/25. pp. 61- 72. Available at:
<https://docsonline.wto.org/dol2fe/Pages/SS/DirectDoc.aspx?filename=t%3A%2Ftn%2Fc%2Fw25.doc&>

World Trade Organization. (2008). “Geographical Indications”. Available at:
https://www.wto.org/english/tratop_e/trips_e/gi_background_e.htm#general

Yevcak, R. (2018). “Geographic Indications and Extra-territorial Regulation of Taste: The Case of Manchego Cheese and the Mexico – EU Free Trade Agreement”. Law and the Senses, Concordia University. Available at: <http://lawandthesenses.org/probes/geographic-indications-and-extra-territorial-regulation-of-taste-the-case-of-manchego-cheese-and-the-mexico-eu-free-trade-agreement/>