

Status of Implementation on Chinese Agro-products' Geographical Indications

Hongyuan Yang

College of Agriculture and Life Sciences, Seoul National University, Seoul Korea 08826

Abstract: With the development of China's market economy, geographical indication system has been fully developed. Establishing geographical indication system can protect the good quality and safety of agro-products; make reasonable use of agricultural resources, improving farmers' level of market access as well as the domestic and international competitiveness of local brands.

Keywords: Geographical indications of products; China's market economy; Agricultural resources

1. Outline of geographical indication

1.1 Concept and implication

According to TRIPS (Agreement on Trade-Related Aspects of Intellectual Property Rights), geographical indication refers to the identification marks of the products original from the territory of a state or a region, symbolizing products' quality, reputation and other main features characterizing the original area.

1.2 Prior studies on geographical indication of China's agro-products

So far Chinese scholars' study on geographical indications mainly focuses on the perspective of intellectual property rights and trademark protection, Zhao (2004), Zhang Yang Bai (2006), He (2010) make researches on geographical indications from an economic point. From an economic perspective, geographical indication is kind of signal transduction mechanism and display mechanism of high-quality agro-products. Some scholars point out that implementation of GI system will help improve the competitiveness of agro-products and play a great role in developing rural economy.

2. History and implementation status

2.1 Administrative departments and functions of geographical indications

China's current administrative departments of geographical indications are in many aspects.

I International treaties: China has reached agreements with countries such as Chile, Pakistan, and New Zealand, complying with the international treaties.

II National legislation: China has provided in the <Trademark Law> geographical indication in the form of collective marks and certification marks.

III Departmental rules: GI (geographical indication) system is under joint supervision of national Administration of Quality Supervision, Inspection and Quarantine, state Administration for Industry & Commerce, the Ministry of Agriculture. National Administration of Quality Supervision, Inspection and Quarantine issued "Geographical origin products protection regulations" in 1999, later revised to "Geographical indication products protection regulations" in 2005. State Administration for Industry & Commerce issued geographical indication specific trademark management approach in 2007. Ministry of Agriculture issued "Agro-products geographical indication management approach" in 2008. Figure 1 shows GI-related administrative bodies and respective management regulations.

2.2 Geographical distributions of GI certification products

China is a country with abundant agricultural resources, thus provides numerous of geographical indication products, such

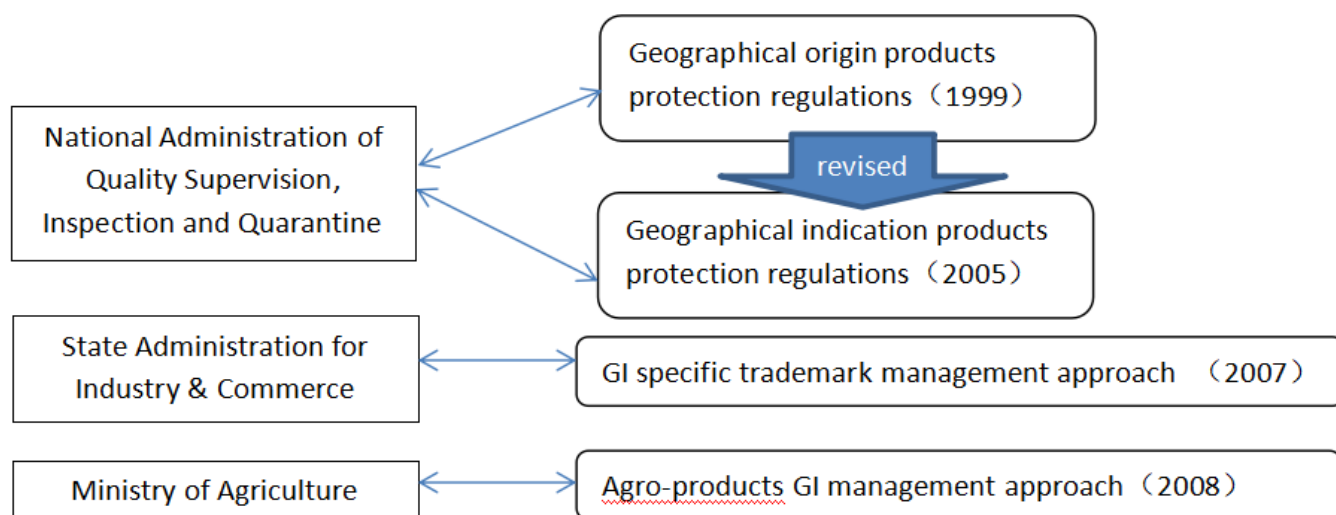
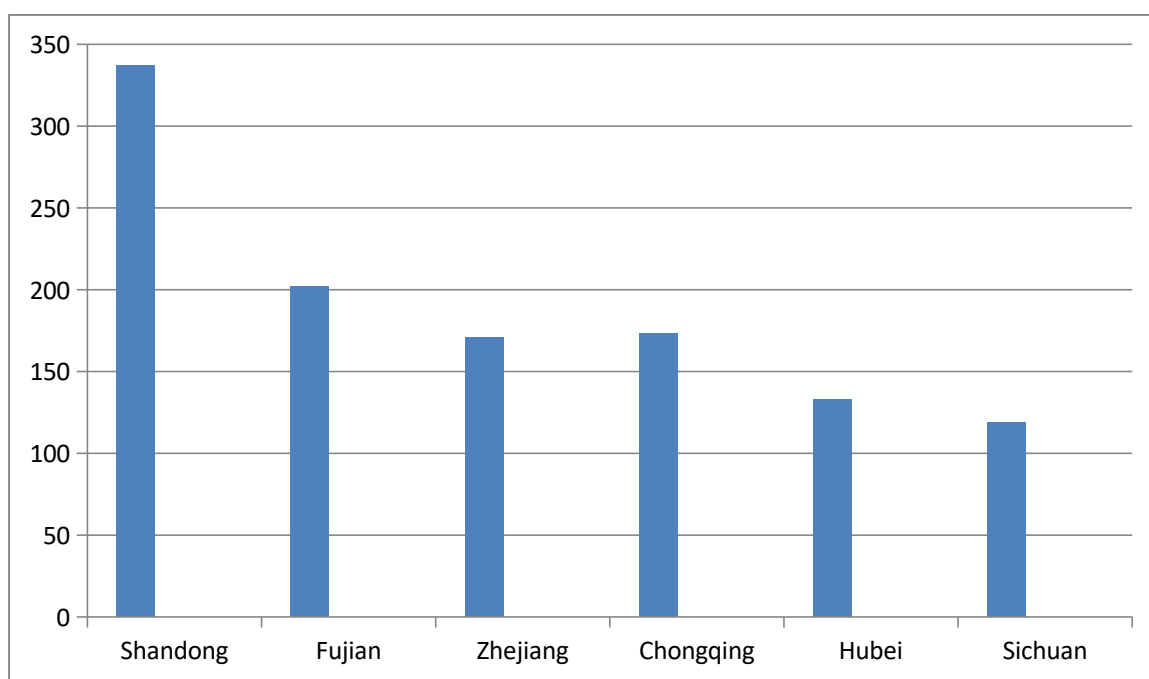


Figure 1. Administrative bodies and GI regulations

as Shanxi apple, Xinjiang Hami melon, Yunnan Pu'er tea, Guizhou Moutai wine. Compared with the widespread geographical distribution of China's GI certification products, the development is not balanced, related to the geographical condition and economic development level of each region. Among the nationwide 2190 products with GI certification, regions with previous ranking are Shandong (337), Fujian (202), Zhejiang (171), Chongqing (173), Hubei (133), and Sichuan (119) (see Figure 2). From the view of product types, GI agro-products are mainly grain, fruits and vegetables, livestock products, aquatic products and other agricultural and by products, with fruits and flowers accounting for the main part. Figure 3 shows the publicity information of the 4th batch of GI agro-products.



Sources from: state Administration for Industry & Commerce

Figure 2. Previous ranking provinces of geographical indication numbers

Figure 3. Publicity information of the 4th batch of GI agro-products, 2013

No	Product name	category	Original province	Application organization
1	Hetao Sunflower	flower	Neimenggu	Green Food Development Center of Bayan Nur City
2	Boli Grape	fruit	Heilongjiang	Boli County Lianyou grape planting professional cooperative
3	Taixing Barley	grain	Jiangsu	Taixing City Agricultural Science Research Institute

4	Gushi Huanggu Mountain Tea	tea	Henan	Gushi County Xingnong tea professional cooperative
5	Zhaojun Beans	vegetable	Hubei	Xingshan County Shengshi Beauty vegetable professional cooperative
6	Daweishan Pear	fruit	Hunan	Liuyang City Fruit Tea Industry Association
7	Duqiaoshan Dendrobium	Medicinal material	Guangxi	Guangxi Rong County Jindi Dendrobium officinale planting professional cooperative
8	Hepu Clams	Aquatic product	Guangxi	Hepu County Aquatic products technology promotion station
9	Jiayuguan Carrot	vegetable	Gansu	Jiayuguan City Agricultural technology promotion station
10	Tanchang astragalus	Medicinal material	Gansu	Tanchang County Chinese herbal medicine development service Center
11	Gangcha Tibetan sheep	livestock	Qinghai	Gangcha county characteristic agricultural and livestock products marketing association
12	Gangcha yak	livestock	Qinghai	Gangcha county characteristic agricultural and livestock products marketing association
13	Liupanshan astragalus	Medicinal material	Ningxia	Longde County Chinese herbal medicine Industry Office
14	Jingyuan yellow beef	livestock	Ningxia	Jingyuan County Animal husbandry technology Extension Service Center

Sources from: trademark office of the state administration for industry & commerce of China

3. Geographical indication-related issues in international affairs

3.1 International activities China has engaged in when implementing GI system

Chinese GI product regulations have complied with “Agreement on Trade-Related Intellectual Property Rights”, “Madrid Agreement Concerning the International Registration of Marks”, “Paris Convention”, “Lisbon Agreement” and other international treaties. In Oct 23, 2013, staff from Geographical Indication Office of China’s State Administration for Industry & Commerce attended the 8th round negotiation of China-Euro geographical indication agreement, indicating that China attach great importance to GI collaboration with other countries or interest groups. The two sides have engaged in a variety of activities to promote geographical indication corporation through conferences, forums, reached consensus on strengthening cooperation and exchange on agro-product geographical indication. Currently, geographical indication disputes are involved of EU-led continental law system countries and US-led general law system countries, so far, EU has prevailed in respect of GI protection system due to its long-time development. Although China is a country with continental law system like EU, it is much similar to US characteristics in respect of GI system protection. As for the ongoing Korea-China FTA process, geographical indication negotiation should be based on the common and different points of two countries’ current geographical indication systems. In order to make the consultation go on smoothly, comparison of China and Korea’s GI system should be made for a comprehensive analysis to be conducted.

3.2 Difference between Korea and China in GI system management

Both China and Korea are prone to protect geographical indication products on the basis of “Trademark Law”, but still there exists differences in their form of management. For instance, China’s “Trademark Law” allows two kinds of geographical indication protection forms, that is collective marks and certification marks which is similar to the US condition, while Korea allows geographical indication application only through collective marks. On the application conditions, China stresses that the application group, association or other organization should be original from a geographical area, while Korea stresses that the commodity quality, virtue or other characteristics should be attributed to a particular area. In China the organization applying for collective trademark is the State Administration for Industry & Commerce, while in Korea the examiner (심사관) can be in charge of the application process independently.

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