‘Taking back control’: Developing Protected Food Names post-Brexit: What can we learn from GI use internationally?

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ABSTRACT

The phrase ‘taking back control’ has been part of the rhetoric of the Brexit debate in the UK conveying the notion of sovereignty regained. However, in terms of Geographical Indications of Origin (GIs) for food and drink products, the post-EU era will actually be the first time that the UK has had the opportunity to develop an independent national policy approach. Here, we draw on the literature on international policy transfer and global experience of implementing GI policies to identify lessons for the new Protected Food Names scheme in the UK and other economies developing GIs for the first time. Internationally, GIs have been developed with very different policy objectives from supporting sustainable food production to protecting food heritage. Outside the EU there is scope to focus GI policy on the UK’s broader food, agricultural policy and rural development objectives and develop a clear rationale for supporting and developing PFNs. Second, the UK currently has relatively few GIs compared to other European economies. Implementing a more proactive policy towards GIs could have substantial benefits for producers, particularly in an era in which the UK seeks to re-orient its export activity away from Europe. Third, engaging local actors could help with convening and develop local producer groups to develop new PFNs. Fourth, promoting awareness of PFNs among consumers and producers will also be important given the relatively low level of consumer recognition in the UK. One approach here might be through food quality and marketing competitions which have proved a valuable promotional activity in other countries.

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Keywords: Geographical Indications, Policy transfer, Protected Food Names.

CONTENTS

1. INTRODUCTION

The phrase 'taking back control' has been part of the rhetoric of the Brexit debate in the UK conveying the notion of sovereignty regained. In many areas of policy-making, however, including Geographical Indications of Origin (GIs) for food and drink products, the post-EU era will actually be the first time that the UK has had the opportunity to develop an independent national policy approach1. 'Taking control' might therefore be a better summary phrase. In this sense, the challenges facing the UK in terms of developing GI policy are similar to those of other – often developing – economies which are developing and implementing GI policies for the first time (Gwom, 2017). The development of GI policy in the UK is not starting from scratch, however, with decisions already made that the UK's new Protected Food Names (PFN) system will follow the same sui generis principle as the European Union GI scheme, and have a similar structure of registration marks denoting Protected Designation of Origins (PDOs), Protected Geographical Indications (PGIs) and Traditional Speciality Guaranteeds (TSGs) (DEFRA, 2019). Much else remains to be decided, particularly as the UK also restructures its support for agriculture outside the Common Agricultural Policy. What is the main objective of GI policy in the UK? Sustainability? Increasing producer incomes or protecting heritage food products? How actively will PFNs be promoted given that GIs are currently under-represented in the UK relative to other European economies? Will PFN development and support remain a centralised function or is there a significant role for devolved and local organisations across the UK? In this paper we draw on the international experience of developing and implementing GI policies in different countries and explore lessons for UK policy post-Brexit. Inter alia this provides lessons for other countries seeking to develop and implement GI systems for the first time

Geographical Indications or GIs are 'a sign used on products that have a specific geographical origin and possess qualities or a reputation that are due to that origin' (WIPO, 2019). Globally, the basis for the recognition of GIs is outlined in the Trade Related Aspects of Intellectual Property Rights (TRIPS) Agreement (1995) which aimed to standardise the Intellectual Property (IP) regimes of all World Trade Organization (WTO) members. TRIPS

[1] The GI regulatory framework in the European Union was established in 1992 (EU Council (EC) Regulation No. 2081/92 (1992), replaced by Regulation No. 510/06 (2006),later by the current Regulation No. 1151/2012 that incorporated wine in the system to harmonize different national GI frameworks, with two categories of GIs: PDO and PGIs (Kizos et al. 2017b).

covers a range of intellectual property instruments (copyright, trademarks, industrial designs, patents, integrated circuit topographies) including GIs for wine and food products[2]. Globally, national GI systems fall into two main groups: collective trademarks and sui generis systems. GIs implemented as collective trademarks are characteristic of the use of GIs in North America and other countries such as Taiwan, and allow local groups of producers legal protection for a geographically related product name. Collective mark GIs are tradeable and any associated quality standards or production requirements are defined solely by the owners of the collective mark with only the mark itself being subject to legal registration. In the sui generis approach, which has also been adopted in the EU and other countries such as Mongolia (Menapace and Moschini, 2012)[3], each GI comprises two elements both of which form part of the registration process: the product standard which outlines the local heritage of the product, its components or ingredients and its method of production; and, the geographic area to which the product relates (Hughes, 2017). Both elements of the definition can be the subject of contention and legal argument (Rippon, 2013; BBC, 2019).

International policy learning or transfer has been critical to the development of GIs globally, with European agencies, consultancies and standards institutions playing an important role in guiding GI policy development. Here, we draw on the literature on international policy transfer to define the policy issues relevant to GIs in the UK, identify learning from the international experience of implementing GIs and suggest lessons for the future development of PFNs (Marsh and Sharman, 2009). International experience emphasises GIs' role in food policy and issues such as food quality, sustainability and innovation as well as producer welfare. GIs have also been considered, however, as supporting traditional foods and therefore nations' intangible cultural heritage and related tourism benefits. This suggests the potential value of GIs as part of a rural or tourism development policy.

[2] The locational aspect of GIs makes them unique among other intellectual property instruments in being non-transferable and only accessible to produces located in the specified area (Giovannucci et al. 2010; Barham 2003).

[3] Within the EU, the regulatory framework for GIs was first established in 1992 in EU Council (EC) Regulation No. 2081/92. This was subsequently replaced by Regulation No. 510/06 (2006), and more recently by the current Regulation No. 1151/2012 which extended previous legislation to cover wines (Kizos et al. 2017b).

We make two main contributions. First, in the context of the literature on international policy transfer we identify the key learning points from the international experience of developing and implementing GIs. Our analysis extends other international surveys and reviews, particularly Vandecandelaere et al. (2018) to include aspects of food heritage and the potential role of GIs in supporting heritigisation processes. Second, we identify the main lessons from international GI policy for the development of PFN in the UK, post-Brexit. Key themes relate to clarifying the objectives of the PFN scheme in the context of changing priorities for UK food and agricultural policy, the potential for proactive development of the scheme in partnership with local actors across the UK, and the potential for government initiatives to promote awareness and understanding by both producers and consumers. Inter alia similar themes relate to the development of GIs in other countries which have not yet implemented this type of scheme.

The argument proceeds as follows. In section 2 we provide a brief overview of the mechanisms though which international policy transfer occurs, with particular reference to the international experience of GIs and intangible heritage. Section 3 provides the context to the study and summarises the international evidence on the economic and heritage benefits of GIs. Section 4 presents our main empirical analysis following the policy transfer framework through issue identification, international experience to lessons for PFNs. Section 5 concludes with some broader reflections on the implications of our analysis for other countries developing and implementing GIs.

2. CONCEPTUAL BASIS - UNDERSTANDING POLICY TRANSFER

The global experience of developing and implementing GIs creates opportunities for policy transfer, ‘a process in which knowledge about policies, administrative arrangements, institutions etc. in one time and/or place is used in the development of policies, administrative arrangements and institutions in another time and/or place’ (Dolowitz and Marsh, 1996). Policy transfer typically starts with the identification of a policy challenge or issue (Gilardi, Shipan and Wüest, 2020), and then involves a process that includes policy diffusion, policy convergence, policy learning and eventually lesson drawing (Dolowitz and Marsh, 2000). While such policy transfer can be transformational, allowing the effective implementation of radical policy development, caution is appropriate in assessing the suitability of policy ideas to particular locations and agents’ motivation for their promotion (Dolowitz and Marsh, 1996; Evans and Davies, 1999). Godwin and Schroedel (2000), for example, considered the diffusion of gun control policy in California and concluded that

successful diffusion was due, among other factors, to the presence of strongly committed regional associations that actively promoted policy adoption.

Issue definition is foundational to the policy transfer process. As Elder and Cobb (1984, p. 115) comment 'policy problems are not a priori givens but rather are matters of definition … what is at issue in the agenda-building process is not just which problems will be considered but how those problems will be defined'[4]. Issue definition itself may be seen as an element of the process of policy diffusion. Gilardi, Shipan and Wüest (2020), for example, study the development of smoking restrictions among US states and explore how the prior experience of other states predicts the way policy issues are defined. They frame the issue definition problem directly, viz. 'If a state has not yet adopted a policy, political actors in that state will look to see what other states have done. They will observe which states have adopted policies … They will note which aspects or dimensions of policies have been emphasized in prior laws… whether these approaches were successful, and whether these approaches would be appropriate in their own states' (Gilardi, Shipan and Wüest, 2020, pp. 3-4). Their empirical analysis of newspaper reports between 1996 and 2013 provides strong evidence for this contention that diffusion shapes the practical definition of policy issues. They find no evidence, however, for the diffusion of normative rationales for policy adoption.

Once a policy issue is defined there is the potential for policy diffusion, i.e. the 'process through which policy choices in one country affect those made in a second country' (Marsh and Sharman, 2009), p. 270. Marsh and Sharman (2009) go on to identify four mechanisms through which they suggest policy diffusion may occur: Learning, competition, coercion and mimicry. Policy learning may be bilateral or multilateral, and may be enabled by international organisations such as the OECD. Through the SME Charter process, for example, the OECD supported policy learning and development in the Western Balkan countries (Roper and Richter 2006). Global competition may also drive policy diffusion as nations seek to remain internationally competitive and attract and retain mobile labour and capital. There is strong evidence, for example, that international tax competition is a key factor in determining nations' corporation tax rates (Lee 2020). Policy diffusion as a result of coercion may also occur when there is an uneven power balance between countries or when supra-national institutions like the European Union require candidate countries to adopt particular policy practices (Hughes, Sasse and Gordon 2004). Mimicry or emulation

[4] Quoted in Gilardi, Shipan and Wüest, 2020, p. 2.

'may be a deliberate ploy by governments to acquire legitimacy' and 'place a greater value on the social pay-offs among domestic and foreign audiences' rather than policy effectiveness (Marsh and Sharman 2009, p. 272). Arnold and Neupane (2017), for example, describe mimicry as an 'important' diffusion mechanism for pro-fracking policies in US municipalities and suggest that mimicry may be particularly important where policies are symbolic rather than having any very significant practical impact.

Two other mechanisms not considered by Marsh and Sharman (2009) may also drive policy diffusion: technical standards and international conventions. International food standards have, for example, contributed to 'regulatory evolution' in Chinese food regulation and the processes through which such regulations are developed and implemented (Chu 2020). International conventions such as UNESCO's World Heritage Convention and Intangible Cultural Heritage Convention and the related interaction between policy actors may also shape policy transfer. Maags and Trifu (2019), for example, consider the effect of the adoption of the UNESCO Intangible Cultural Heritage (ICH) Convention on policy in France, Germany, Japan and China. In Japan, which provided much of the thinking behind the development of the ICH Convention, policy impacts have been marginal but in China 'the ICH Convention had a rapid and far-reaching impact on China's cultural heritage regime' (Maags and Trifu 2019, p. 343) particularly in terms of safeguarding. France also recently (2016) incorporated ICH safeguarding principles into law, while in Germany policy changes were more minor with ICH safeguarding undertaken within the system previously established to protect World Heritage sites.

The different impacts of ratification of the ICH Convention in the four countries considered by (Maags and Trifu 2019) illustrate the barriers to policy transfer. In China, for example, the far-reaching impacts of ICH recognition were enabled by strong central commitment for the policy and pre-existing policy measures to preserve local folk-lore. In France, policy changes were slower to occur due to a national policy emphasis on safeguarding tangible rather than intangible heritage (Coleman, 1994). More generally, Rose (1991) suggests that successful policy transfer can depend on the information available to process participants, the complexity of the policy challenge, any perceived side effects and the degree of support from influential stakeholders (Dolowitz and Marsh 1996; Marcoux and Létourneau 2014).

The UK is one of a small number of countries which has not to date ratified the ICH Convention. Perhaps because of this, safeguarding cultural heritage has received relatively little policy attention in the UK despite its potential contribution to social and economic development (Harrison 2019). This applies across all aspects of intangible cultural heritage in the UK, but means that UK food policy has largely been shaped primarily by scientific, environmental and socio-economic agendas rather than having any explicit concern with food as heritage (Irwin 2006; Rothstein 2013). This is most evident in that none of the home nations' food strategy documents include any significant recognition of food heritage. For example, the Welsh food strategy for 2010-20 'Food for Wales, Food from Wales' (FDAP & Welsh Assembly, 2010) is founded on the principles of sustainable development- a reconnection to sustainable food production, lower carbon emission, reduction in food packaging as well as resilience, profitability and competitiveness for local and international market. Measures related to 'Food Culture' are included but focus on contemporary concerns such as healthy eating rather than making any reference to food heritage (FDAP & Welsh Assembly, 2010, p. 48). An essentially similar approach is adopted in Scotland where 'Recipe for Success: Scotland's national food and drink policy' includes a section on food culture intended to ensure that 'food and drink policies address quality, health and wellbeing and environmental sustainability' (The Scottish Government, 2014, p. 13). In England, 'Health of Harmony: the future for food, farming and the environment in a Green Brexit'(DEFRA 2018) includes considerable discussion of tangible cultural heritage (e.g. landscape, rural environment) animal welfare and environmental sustainability but little or no consideration of food culture and heritage (DEFRA 2020).

3. ECONOMIC AND HERITAGE BENEFITS OF GIs

National policies towards GIs differ in terms of their objectives, enabling and support structures and regulatory frameworks. Even within the EU, across which GIs operate on a common legal basis, significant differences exist between the support which national, regional and local agencies offer producers to develop and register GIs (Kizos et al 2017). Globally, public authorities have developed diverse GI policies to support producers as they meet consumer food demands for origin-based food products (Kohsaka 2015; Mancini 2013). The adoption of these policies and their economic and heritage benefits vary between developed and developing economies.

3.1 Economic benefits from GIs

In the most basic terms GIs provide product labelling designed to protect producers and consumers from imitation and provide an element of product differentiation (Bramley 2011; van Tongeren, Beghin and Marette 2011; Medeiros, Passador and Passador 2016; Belletti, Marescotti and Touzard 2017; Cei et al. 2018). Motivations for GI registration may also vary. In Brazil, the incorporation of traceability and quality control mechanisms for wine grapes was the fundamental reason for GI registration (WIPO 2003; Anjos 2013) while a core motivation for the GI registration for Japan's Yubari melon was the need for quality definition (Kizos et al. 2017; Kohsaka et al. 2017). Registration may allow producers to strengthen their domestic market position through product differentiation (Medeiros, Passador and Passador 2016), increased local demand (Tosato 2013), and sell more effectively in international markets (Suh and MacPherson 2007; Tashiro, Uchiyama and Kohsaka 2018). For example, the GI registration of Spanish Manchego cheese was instrumental to the international promotion of the product (Vandecandelaere et al. 2018). GI registration also supported an increase in the export volume for the Swiss Tête de Moine cheese in addition to an increase in the domestic price of the cheese (Giovannucci-Tim, Kerr-Bernard and Yeung, 2009; Vandecandelaere et al. 2018). Similarly, the Austrian Perry GI was used to differentiate from neighbouring Upper Austrian Perry, a marketing strategy which boosted sales (Cei, Defrancesco and Stefani 2018; Karlík et al. 2018).

Two recent meta-studies (Deselnicu et al. 2013; Leufkens 2018) both suggest that on average GI labelling does lead to a sales price premium although this differs widely between products, types of GI and levels of consumer recognition (EU 2012)[5]. Deselnicu et al. (2013) find an average percentage sales price premium for GI labelled products of 15.1 per cent although this varied widely between products (standard deviation 26.1 per cent). Sale price premiums were lower where alternative means of differentiating products such as branding and trade marks were relevant and higher where stricter forms of GIs were involved[6]. These results are confirmed by the more recent meta-analysis by Leufkens (2018) which again highlighted the heterogeneity between GIs' price premium and the variability of margins between varieties of GI. On average PDOs generated a price

[5] EU (2012), for example, estimated the highest value premia at 2.96 for GI pasta, 2.54 for GI bread and bakers' products, and 1.85 for other animal products. Lower premia were evident for oils and fats 1.43 and mineral water 1.38 (EU, 2012, Table 37, p. 73).

[6] Stricter PDOs typically require local ingredients as well as local production and may therefore be more costly to produce. Less tightly regulated PGIs may draw on sources of inputs beyond the locality.

premium of 26.6 per cent compared to 8.7 per cent for PGIs. Leufkens (2018, p. 2852) concludes, however, that 'A sui generis European regulation for GIs, with reference to a clear quality signal (i.e. label) does not appear to be justified given the large heterogeneity between the individual GI products found in this meta-analysis study'.

The price premium generated by some GI registrations can be dramatic. In the case of the Penja pepper in Cameroun, Africa's first GI, the registration led to an improvement in the quality of the product and a six-fold increase in the price for farmers (Vandecandelaere et al. 2018). Where GI registrations leads to an increase in sales volumes – e.g. in Spanish cheeses – there may be additional producer benefits linked to scale economies (Vandecandelaere et al. 2018). These beneficial effects can extend well beyond product producers, however. In South Korea, while the producers of Boseong Tea saw an increase in prices within six years of GI registration, there were also significant multiplier effects, tripling the number of local tourists (Suh and MacPherson 2007). Similarly, in Morocco when the PDO for Taliouine Saffron was awarded in 2010, famers saw an increase in the final price of their products, and multipliers effects led to an increase in sales by local retailers (Vandecandelaere et al. 2018).

3.2 Heritage benefits from GIs

Local heritage 'whether it be an object, monument, inherited skill or symbolic representation, must be considered as an identity marker and distinguishing feature of a social group …[it] preserves the cultural and social identity of a given community' (Bessière 1998 p. 26). Culinary and food heritage plays a part in this type of local identity with links to other aspects of local history, the availability of specific ingredients and local cooking traditions, something internationally recognised in the ICH Convention. GI legislation can provide the framework for 'heritagisation', the process of conservation, research and socialisation by which a particular food product obtains recognition as part of the recognised heritage of particular locality (Bessière 1998). However, as Guan, Gao and Zhang (2019, p. 3) comment 'food heritagisation is far from a technical development process, but is a contested and negotiated social process in which various actors seek to articulate certain foodstuffs as heritage for their own benefits'. For example, Loukoumi Geroskipou – a soft sugar sweet similar to Turkish Delight - was granted a PGI in 2007 on

the basis that the product had been produced in a Cypriot village for over 100 years[7]. The registration was contentious with one Turkish factory owner being quoted as saying: 'this dessert is known as Turkish delight in the global market. Greek Cypriots do not even know how to produce this sweet, whereas Turks have been manufacturing lokum since the early times of the Ottoman Empire' (Welz, 2013, p. 271). Other GI development processes have been more positive. Quiñones-Ruiz et al. (2017) document the eight-year development process of the Sorana Bean GI which worked effectively as a collaborative venture due to the small number of producers involved. 'The GI process fostered the motivation to produce high-quality beans and increased the local pride of producers … boosted the reputation of Sorana bean, favouring its direct marketing … and opened up the access to new markets and marketing channels' (Quiñones-Ruiz et al. 2017, p. 183-4). This, in turn, led to positive benefits in terms of sustainability and the value of other local agricultural products.

International experience of the role of GIs as a safeguarding mechanism for food heritage is widespread. In Japan, the registration of Kaga Maruimo was guided by the need to protect the heritage and establish the quality of the product (Kohsaka et al. 2017). In Brazil, the development of GIs has strengthened regional identity by establishing and legitimising a product history for pioneer farmers (Anjos, 2013). In France and the UK, GIs have helped to sustain the viability of traditional, historic products which that might otherwise have disappeared (Barham, 2002, Oledinma and Roper 2020), In Zimbabwe, GIs have helped to preserve traditional knowledge and protect biodiversity (Nyakotyo 2013).

4. EMPIRICAL ANALYSIS

4.1 Problem identification

The development of GIs in the UK has to be considered in the context of the EU GI scheme which is based on the sui generis principle that gives producers within a specific geographical area an inviolate right to product protection (Marie-Vivien and Biénabe 2017). European GIs are of three types each of which is represented in the UK. Protected Designation of Origins (PDOs) are the most demanding GI designation requiring that agricultural products or foodstuffs are produced, processed and prepared in a specific geographical area, using recognized know-how. Of the 73 registered UK GIs, 27 are PDOs

[7] See https://ec.europa.eu/agriculture/quality/door/registeredName.html?denominationId=841.

including Welsh Laverbread, Isle of Man Manx Loaghtan Lamb and a range of locally produced cheeses including Single Gloucester. Protected Geographical Indications (PGIs) have less stringent product requirements and require that some stage of the production, processing or preparation of a product occurs in a specific area although raw materials used do not need to come from the locality. There are 42 registered UK PGIs including Traditional Welsh Perry, Carmarthen Ham, and Yorkshire Wensleydale. Finally, Traditional Speciality Guaranteeds (TSGs) cover products and foodstuffs produced using traditional materials, production methods or composition without any element of geographical specificity. There are currently four registered UK TSGs including Traditionally Reared Pedigree Welsh Pork and Traditional Bramley Apple Pie Filling.

Comparing the absolute number of European GIs awarded for food products in the UK to that in other EU economies suggests that the number of GIs in the UK lags that in other major EU economies and also some significantly smaller countries such as Greece. Awards of the more stringent PDOs and PGIs are also less prevalent in the UK than in other major EU economies. Despite this, total sales of GI products in the UK in 2010 were estimated at €5.5bn or 6.2 per cent of total UK food and drink production (EU, 2012, Table 9, p. 24). Only around 19 per cent of UK GI sales were food and drink products, however, with the remaining 81 per cent dominated by spirit sales particularly Scotch Whisky (EU, 2012, Table 6, p. 18). In terms of food and drink sales of GI products this comprised: 9 per cent fresh meat, 2 per cent cheese and 9 per cent other products (EU, 2012, Table 14, p. 32).

Leaving the EU has created significant uncertainty for GI registered producers in the UK, and in 2018 the UK Department for Environment, Farming and Rural Affairs (DEFRA) held a consultation on the future development of the UK's GI system. The consultation made clear that a new UK scheme would be introduced for UK producers selling in domestic markets, with GI holders able to continue to use the EU labelling for export sales. The introduction of the new UK scheme also required a new governance approach and appeals process relating to the granting GI applications. Aimed as stakeholders such as existing GI producers and enforcement bodies, the consultation in late 2018 therefore focussed on operational elements of the new GI scheme such as the logo and approvals/appeals

process[8]. The consultation attracted 92 responses largely from producers (14), trading standards bodies (15), trade associations (12) and member associations (16). Respondents provided comments on the logo and appeals process and also other aspects of the new scheme such as the need to ensure widespread consumer awareness[9]. The government's response to the consultation (January 2019) stressed the compliance of the new Protected Food Names scheme with the WTO TRIPS agreement and that the sui generis nature of the PFN scheme would mirror closely the EU GI scheme[10]. The PFN scheme also reflects the EU scheme in maintaining the PDO, PGI and TSG categorisations with all UK products covered by existing EU GIs automatically transferring their rights to the UK system. Current proposals also suggest that the PFN scheme will be operated by DEFRA with support from governments in the Devolved Administrations (i.e. Wales, Scotland and Northern Ireland).

The continuity provided by PFN scheme from the EU GI scheme has been welcomed by registered GI producers in the UK with the potential to safeguard food heritage and, particularly when combined with other local initiatives, contribute to local food cultures and identity and generate added value for tourism and related activities (Oledinma and Roper, 2019). The legislative and regulatory aspects of the PFN scheme are largely settled, mirroring EU regulations and within the UK legal structure, but other strategic and operational issues remain. First, uncertainties remain about the objectives of the UK PFN scheme, particularly given the UK government's ambivalence to intangible food heritage as reflected in recent food strategies. The UK government's broader agendas around related to place-based policy and levelling-up may suggest that government will place greater priority on GIs for their potential contribution to supporting local economic development or sustainable food production. How have other countries framed their GI policy? With what objectives?

[8] See https://consult.defra.gov.uk/food/consultation-on-uk-geographical-indications-scheme/. Accessed 27th November 2020.
[9] See https://www.gov.uk/government/consultations/geographical-indications-gi-creating-uk-schemes-after-eu-exit/outcome/summary-of-responses. Accessed 27th November 2020.
[10] See https://www.gov.uk/government/consultations/geographical-indications-gi-creating-uk-schemes-after-eu-exit/outcome/government-response. Accessed 27th November 2020.

Second, the relatively low number of GIs in the UK reflects a reactive rather than pro-active stance on the part of the UK government and is itself reflected in low levels of consumer recognition. The challenge this represents is reflected by the relatively low number of GIs in the UK and a recent study which suggested that only around 14.4 per cent of UK consumers recognise the EU PGI label, a level lower than that in any other six countries in the study except Norway (Hartmann et al. 2019, p. 69)[11]. Recognition levels for the EU PDO (10.0 per cent) and EU TSG (8.5 per cent) label were even lower. Moreover, only 10.3 per cent of UK consumers reported taking the EU PGI label into account when doing their shopping (Hartmann et al. 2019, p. 70). This is a marked contrast to the Red Tractor label which is recognised by 75.9 per cent of UK consumers (Hartmann et al. 2019, p. 121). Who promotes the development and recognition of GIs in other countries? How do they go about this?

Thirdly, in more operational terms, its clear from the international experience that the development and registration process for GIs can be time-consuming, costly and, as a social process, often difficult (Guan, Gao and Zhang 2019). And, even where a GI is granted the product specification can be too specific or too lax to provide effective support to producers (Oldenima and Roper, 2020). Internationally, who provides technical and advisory support to producers of potential GIs and acts as the network facilitator during the development process?

4.2 Policy learning

Our understanding of the development and implementation of GIs internationally comes from an extensive review of secondary sources undertaken between November 2019 and July 2020. We imposed no time restriction by date of the publication but focussed on more recent literature in most cases. Using 'Web of Knowledge' and other bibliographic sources such as ABI we searched the academic literature which includes journals, books, reports and conference papers. Search terms included words such as 'Global GIs', 'History of GI governance', 'Stakeholders' involvement in GIs', 'Type of GI', and 'motivation for protection'. In addition, we reviewed the EU Ambrosia database for records of agricultural registration

[11] It is notable also that levels of UK consumer recognition of the EU organic label were the lowest of the seven study countries (16.4 per cent)

of GIs, along with the archives of the WIPO. Reflecting the issues identified for the development of PFNs in the UK, we organise the discussion around three questions:

- ***How have countries framed their GI policy? With what objectives?*** Is there a recognition of both economic and heritage outcomes? Or, are GIs developed and adopted for other reasons?
- ***Who promotes the development of GIs in other countries? How do they go about this?*** Is an active policy adopted to promote the number of GIs? Who is responsible for this development?
- ***Who provides the governance framework for GIs? How does this work?*** Is this a branch of central government or is this function devolved to regional or local organisations?

4.2.1 How have countries framed their GI policy? With what objectives?

The motivation for adopting and developing GIs varies significantly between countries depending in part on their level of development and existing product profiles. In China, for example, the early development of GIs emphasised a focus on raising the incomes of rural famers'. However, Zhao, Finlay and Kneafsey (2014) in their case studies of the Gannan navel orange, Nanfeng mandarin and Wuyuan green tea argue that 'weak' processes to ensure product quality were undermining product quality and reducing any impacts on producer incomes. Austria and Japan also implemented GI systems to help their many small farms in increasingly competitive international markets (Kohsaka et al. 2017). In Morocco, the focus of GI policy has also been on smaller producers as part of a broader move to improve the quality and distinctiveness of food products allied with a recognition that this may also improve tourism outcomes[12]. Moroccan GI's were initiated under Law 25-06 in 2008 which formed part of the Ministry of Agriculture and Fisheries' agricultural development policy, the Green Morocco Plan (2010-13). This supported smaller farmers who were members of a cooperative by providing irrigation and other services to reduce production costs, subsidies for capital investment including certification costs, and supported the costs of setting up a shop to encourage tourism. As in the EU, a sui generis

[12] The tourism benefits of GIs have also been widely noted. For example, Vandecandelaere et al. (2018) note the benefits for local tourism in each of their detailed case studies.

approach is adopted with the regulations allowing for both the PGI and PDO designation (Vandecandelaere et al. 2018).

Other developing economies such as Mongolia have implemented GI regimes to secure the identity of local products, support local producers and boost export sales. Wong and Elbegsaikhan (2020), for example, describe the development of the Mongolian sui generis GI system since 2003 noting that 'a product registered as a GI and the Intellectual Property Office of Mongolia can also be registered as a GI in the EU without requiring much further examination' (Wong and Elbegsaikhan, 2020, p.717). In other countries, GI policy has been framed around the notions of exclusivity or product quality with a view to enabling producers to obtain a price premium for their products. Vandecandelaere et al. (2018) suggest, however, that exclusivity can be implemented in different ways depending on broader developmental goals. In Morocco, where there was a broader goal of developing smaller producers, a permissive product specification was adopted for Taliouine Saffron allowing all producers within an area to use the GI registration. By way of contrast, Vandecandelaere et al. (2018) cite the Brazilian Vale dos Vinhedos wine PDO 'which accepts only wine-makers who have invested in the espalier system and use a restricted number of varieties with lower yields. Producers' groups therefore have to decide on the appropriate strategy, balancing the level of price increase and the number of beneficiaries' (p. 21). In Taiwan a similar focus on product quality has been pursued through a GI system which follows the North American model of collective trademarks with no sui generis basis (Wong and Elbegsaikhan 2020).

GIs can also be used to stimulate technical and social innovation, technical innovations which may contribute to product quality and sustainability, and social innovation in terms of empowering producers within local networks and supply chains. In their case study of the Cameroonian Penja pepper GI, Vandecandelaere et al. (2018), for example, highlight training sessions for famers and the spread of growing practices which, although higher cost, produced higher quality and selling prices. In terms of social innovation Quiñones-Ruiz et al. (2015) argue that in this sense GIs may be different to other labelling standards such as fair trade or organic as standards are defined by local producers. In terms of their specific case study of Café de Colombia, Quiñones-Ruiz et al. 2015, p. 434) comment that 'The GI has already re-shaped relationships along the supply chains, as international roasters and brand owners sign the producers' rules governing the PGI-use'.

Policy motivations for GIs to preserve food heritage are less evident, particularly in North America and New World countries where the rule of origin restrictions of GIs have often been viewed as protectionist and anti-competitive (Kohsaka et al. 2017). In Europe, and more recently in China, GIs have been seen as a mechanism through which heritage foods can be protected and promoted. Klein (2018) argues that in China official ambitions to promote the cultural economy have combined with concerns about food quality and rural nostalgia to promote GI products.

4.2.2 Who promotes the development of GIs in other countries?

Within the EU, GIs are typically based on the collective action of producers who initiate the registration process (Klein 2018). This process – which can be long and resource intensive - requires collective agreement on the product's heritage and definition (showing that the product is different from rival products) and a specification of the geographical boundaries (Kizos et al. 2017). Producer groups therefore play a crucial role not only in GI registration but also in shaping when and if product specifications are updated (Bramley, Marie-Vivien and Biénabe 2013; Barjolle et al. 2017). In other countries where GI systems are less well established, and producers are less familiar with the potential advantages of registration, either a public-private partnership approach or more top-down approaches are adopted (Vandecandelaere et al. 2018). As Klein (2018, p. 66) comments: 'Unlike in the EU, where a consortium of food producers applies for a PDO or PGI, in China local officials often take the lead in applying for GI status, distributing labels to producers and inspecting production'.

Similar top-down approaches are evident in other countries as part of wider agricultural or food-policy initiatives. Wong and Elbegsaikhan (2020), for example, describe the development of GIs in Mongolia and Taiwan and, while the systems differ in nature, both have been seen as strategically important by their respective governments[13]. Government bodies have also played a significant role in promoting GIs once they have been recognised. Wong and Elbegsaikhan (2020) note that Taiwan has 43 GIs for different varieties of tea and that the 'Council of Agriculture … organise various nationally celebrated

[13] The GI system in Mongolia follows the sui generis approach while that in Taiwan follows the North American collective trade mark model.

tea contests and competitions … winners of the contest were acknowledged in the local (and occasionally, international) media, which in turn boosted their brand and sales'.

In other countries third party organisations have been important in establishing and developing GIs. In Cameroon, for example, which is a member of the 17 nation African Intellectual Property Organization (OAPI), the first GI registration was initiated by the 'Project for Establishment of Geographical Indications' (PAMPIG) in 2008. The project was financed by the French Development Agency (AFD) and run by OAPI with technical support from the International Cooperation Centre on Agrarian Research for Development, Montpellier (CIRAD), and France's National Institute for Quality and Origin (INAO) (Vandecandelaere et al. 2018). Subsequently a producer group for the Penja Pepper was established in 2011 and the GI – Cameroon's first - was awarded in 2013. The involvement of OAPI in the establishment of the Penja Pepper GI aimed to raise the awareness of government officials across member states about the potential value of GIs and encourage the formulation of GI committees and approval and registration systems.

Across other Asian economies – Vietnam, Indonesia, Thailand, Malaysia – GIs have also been actively promoted as a means of de-commodifying agricultural products and providing producers with a degree of protection in increasingly globalised markets. Durand and Fournier (2017) focus on Vietnam and Indonesia and note in particular the role of central government and local or regional administrations in developing GIs. In Vietnam they note the separation between the national 'right to register' and the 'right to manage' which is generally the responsibility of local authorities after registration. Provinces also play an important role in identifying potential GIs in Vietnam as well as building local producer coalitions. Funding for GI development, however, is provided centrally. Local authorities also tend to get involved in identifying and developing candidate GIs in Indonesia in partnership with local offices of the Bureau of Agriculture. In both countries, however, Durand and Fournier (2017) note that GI product specifications often bear little relationship to traditional practices and instead focus more on promoting innovation and new practices. This has made it difficult in some cases to build collectives of local smaller producers: 'the Indonesian and Vietnamese governments' approach to GIs may limit the perception of the GI project as a way to protect and/or valorize a collective resource as part of a local heritage; and consequently also reduce the local producers' perceptions of the need for collective action at all stages of the GI process' (Durand and Fournier, 2017, p. 100).

4.2.3 How is GI governance organised in different countries?

While legal frameworks for GIs are always set nationally, marked differences exist between countries in the involvement of local and regional administrations in the development of potential GIs and the approval, registration and appeal processes. Even within the EU national systems differ with the French GI system depending on the specialized national institutions (Institut National des Appellation d'Originale - INAO), while Italy and Spain depend more strongly on regional public institutions. In their discussion of Vietnam and Indonesia, Durand and Fournier (2017) provide a useful overview of the value of such local GI governance. They argue in particular that local involvement has advantages in terms of enabling a participatory approach, promoting local involvement in any managing group and better identifying important local supply linkages and development needs. They comment that: 'local government … proximity with farmers and knowledge of their practices facilitate negotiations, which can be more difficult to initiate when national governments and experts are wholly in charge of GI implementation' (Durand and Fournier, 2017, p. 101). This type of local approach may be particularly important in the foundational phase when new relationships are being formed between firms which may historically have been competitors. Barjolle and Sylvander (1999) argue that such local co-ordination may also be enabled where there is a 'channel captain' – a dominant producer – who can facilitate co-ordination, particularly where there is a relatively large group of producers. In this latter situation, however, risks also arise that the product specification adopted may favour specific – perhaps larger – producers at the risk of excluding smaller firms (Ilbery and Kneafsey 2000).

4.2.4 Lessons for Protected Food Names

Brexit has created significant uncertainty for food growers and producers across the UK. Uncertainty over potential tariffs for exports to EU markets has combined with planned changes in the agricultural support regime included in the forthcoming Environment Bill[14]. This emphasises sustainability and environmental quality, a theme echoed in recent Ministerial announcements relating to the replacement of the CAP basic payments scheme with an Environmental Land Management (ELM) Scheme linked to farms' environmental

[14] See https://services.parliament.uk/bills/2019-21/environment.html.

improvements[15]. At the same time food and agri-business – aside from fishing - have received relatively little attention in Brexit negotiations raising concerns about future food security and safety (Lang et al. 2018). In this context the advent of the new Protected Food Names (PFN) scheme creates an opportunity to refocus and reshape GI policy in the UK to support wider policy objectives.

Internationally, GIs have been developed with very different policy objectives such as supporting smaller producers (China, Japan, Austria), improving food quality and distinctiveness (Morocco, Brazil, Taiwan), supporting food safety (China), boosting exports (Mongolia), and reshaping supply chains (Columbia). These different objectives reflect nations' state of development and wider food policy objectives, factors which also shape the nature of the GI system itself. For example, collective trade mark GIs, such as those in the US and Taiwan, may promote economic development and generate producer and consumer benefits but are less likely to support sustainability or heritage benefits. As Ramesh (2013) suggests, for example, Vietnam have developed their GI system to drive innovation and quality in food production rather than support sustainability or food heritage.

For the UK, pre-Brexit, the scope to shape the objectives of GI policy within the European system were limited. Outside the EU there is scope to focus GI policy on the UK's broader food, agricultural policy and rural development objectives and develop a clear rationale for supporting and developing PFNs. The sui generis approach requires that products have a traditional basis but policy aspirations can be reflected in the product specifications written into new PFNs and in the way that PFNs are developed and promoted. Emphasising the role of PFNs as a component of food policy for example, as in the Vietnamese and Brazilian wine systems, PFN product specifications could be developed which specify sustainable production approaches, improved farming practices or high animal welfare standards. Alternatively, and more of a departure from the focus of current UK policy, PFN policy could be developed with a focus on sustaining heritage food products as a contribution to food tourism and rural development. As the experience of the more successful UK GIs (e.g. Melton Mowbray pies) suggest, however, this is likely to require an integrated approach with PFN policy and the product recognition they bring allied with measures to promote and support food tourism (Sims 2010).

[15] See https://www.gov.uk/government/publications/the-environmental-land-management-scheme-an-overview.

Whether oriented towards supporting innovation, sustainability or food heritage the international experience also raises questions about how proactively future GIs are identified, developed and registered in the UK. As noted earlier the UK currently has relatively few GIs compared to other European economies, and this to some extent reflects a bottom-up approach to GI development pre-Brexit and a permissive rather than enabling public policy stance. The particularly centralised nature of governance in the UK, and the weakness of the local economic development and tourism promotion capabilities of many UK local authorities, also contrasts with other countries where local or regional agencies act as catalysts for GI development (Durand and Fournier, 2017). Implementing a more proactive policy towards GIs could have substantial benefits for producers, particularly in an era in which the UK seeks to re-orient its export activity away from Europe. As part of such an approach government could, for example, partner with producer associations or other food groups to identify candidate products for PFN status. Local support could also be provided to convene and develop local producer groups to establish products' historical origins and develop product specifications for a PFN application. Other countries have made this type of network building support available and some (e.g. Vietnam) have provided direct funding for local groups to develop GI product specifications (Durand and Fournier 2017). Promoting awareness of PFNs among consumers and producers will also be important given the relatively low level of consumer recognition in the UK (Hartmann et al. 2019). One approach here might be through food quality and marketing competitions which have proved a valuable promotional activity in other countries (Wong and Elbegsaikhan 2020).

5. CONCLUSIONS

International experience of developing and implementing GI policy provides some potentially useful lessons for the UK post-Brexit and for other countries which have yet to develop GI policies. Recognising the limitations of any policy transfer international experience with GIs suggests four main lessons. First, GIs depend critically on an effective legal and regulatory framework with different countries adopting a variety of legal approaches and institutional frameworks. In legal terms the main contrast is between the sui generis approach to product registration adopted in Europe Mongolia and the collective trade mark approach which characterises GIs in North American and Taiwan. Institutional frameworks differ in the nature of regulatory institutions: national ministries or departments of agriculture in some countries often supported by intellectual property organisations; regional governments in others; and, specialist standards organisations in other countries.

Second, and subject to the development of an effective regulatory approach, GIs have proven to be a flexible policy instrument through which governments can support and drive a range of very different policy objectives from protecting food heritage, raising rural incomes and enabling exports, stimulating innovation through to ensuring food quality. There is considerable international evidence – although little specifically for the UK – which suggests that GI registration can create significant advantages for producers - increasing product demand, creating a price premium and benefitting product quality and export sales.

Third, in the sui generis type system adopted in the EU and UK, the process of identifying products suitable for GI registration and the development of product specifications is time-consuming and sometimes fraught. For producers – many of which will normally be competing – collaborating to develop an agreed specification may also be difficult, particularly where there are a large number of producers and/or where producers vary markedly in size or market orientation. Public agencies – often based locally to a product's area of origin can play a critical role in convening producer groups and in supporting the development process. Fourth, the impact of any GI scheme depends on take-up by producers and recognition by consumers, both of which suggest the importance of the promotion of the scheme. For producers, awareness needs to be accompanied by a positive evaluation of the added value registration balanced against any inspection or compliance costs. For consumers, awareness of GI branding is also only the first step, with any demand effects also depending on the strength and credibility of GI labels' association with product quality etc.

In the UK, the legal and regulatory framework for GIs is already well-established building on the sui generis EU model. Three main challenges remain after the UK leaves the EU: clarifying the objectives of PFN policy and its relation to other aspects of food policy; deciding whether or not to adopt a more pro-active policy stance towards developing further PFNs and how to implement any future developments; and, ensuring producer and consumer recognition and confidence in the new scheme. For other countries – such as Nigeria – which have yet to implement GIs the international evidence provides similar legal, regulatory and operational lessons. Gwom (2017), for example, argues for the value of developing a sui generis GI system in Nigeria to protect both traditional food products and handicrafts but notes the lack of any relevant legislation and regulatory structure which could support such a development. Developing the legal foundations for any Nigerian GI scheme is a necessary first step towards establishing an effective GI system. Beyond this

the policy, operational and promotional challenges of developing GI policy in Nigeria strongly echo those faced by the UK, post-Brexit.

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