GEOGRAPHICAL INDICATIONS (GI) AND ROOIBOS

Rooibos Science Café

Cape Town

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2 April 2019
GI AND ROOIBOS

• REPUTATION WITHOUT PROTECTION

• INSTITUTIONAL ENVIRONMENT

• THE ROOIBOS GI
Is the Paarl in the Karoo?

Distinction in a Bottle

Looking for a distinct blend of quality, style and taste in mineral water?

Then look no further than pristine Cape Karoo Natural Mineral Water.

As anyone with a discerning palate will confirm, natural spring water is not tasteless. The outstanding taste of the Cape Karoo product comes from the dissolved minerals it absorbs naturally and naturally contains. Its leisurely journey through the granite of the Paardeberg mountains – a journey that ends on the lush grounds of the Waterkloof Wine Estate, modern, state-of-the-art bottling plant.

It's all about balance

Scientists express the amount of minerals in water as a TDS number - Total Dissolved Solids. Too low a TDS can result in bland, tasteless water; too high can be a little overwhelming. Karoo Spring Water has a palate-pleasing TDS of 150, a level generally agreed by knowledgeable consumers as "just right".
Where is this biltong from?

Is Boksburg in the Namib?
This must be South African....

We know there is a Dutch connection, but....
Which Italian now owns the name “Karoo”?
Rooibos???

On this one I do not know where to start.....

Rooibos the indigenous miracle plant which can not be grown anywhere else in the world.
The “Rooibos case”

- 1992 - Forever Young registered “rooibos” in US
  - Skincare – use ½ ton in US
- 2001 - “Sold” the trademark to Burke International
- Burke “generous” – willing to accept royalties.
- Eventually settled out of court
  - Cost of $1 million
  - Support from coffee houses
- But, what about all the other small industries?
- Implications
  - SA Rooibos Council (SARC)
  - Protect “Rooibos”
GI: South Africa’s traditional view
• REPUTATION WITHOUT PROTECTION

• INSTITUTIONAL ENVIRONMENT
Components of a GI

A successful GI should have:

**The Artifact**
- Product
- Place
- People

**The System**
- Institutional framework
- Value chain

**The Demand**
- Consumer
- Quality perceptions
- Secondary market
Industries engaged in the Duras Project
Conclusions from Duras Project

- GI can form part of a Rural Development Strategy
  - Economic benefits
  - Build an export market
  - Manage quality in the domestic market

- However, a GI is not a silver bullet, but one tool in the toolbox
  - Rooibos ✓
  - Honeybush ✓
  - Karoo Lamb ✓
  - Camdeboo Mohair ✗
Non-Wine GI in the EU

(n 1 526)
Non-Wine GI registered in the EU by non-EU countries

(n 38)
The economic partnership agreement (EPA)

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

Road to date:
• Draft developed during 2015.
• Draft consultation (31 May to 2 June 2016 in Benin)
• Draft finalisation and work commence on action plan (22-25 November 2016 in Nairobi).

The outcomes envisaged:
• An African vision on GI
• Legal and institutional frameworks
• Development and registration of GI products as pilots
• Market development for GI products
• Research, training and extension regarding GI.
• Stakeholder awareness

It is proposed that 16 pilot projects should be supported:
• 4 from members aligned to ARIPO
• 4 from members aligned to OAPI
• 4 from non-aligned members (e.g. South Africa)
• 4 cross-border GI (e.g. “biltong”)

Should South Africa participate in the pilot projects?
# Potential African GI

<table>
<thead>
<tr>
<th>Country</th>
<th>Product Details</th>
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| Burkina Faso | Beurre de Massina Kwite  
|            | Beurre de karité de la Sissili  
|            | Haricots verts Souflou                                                      |
| Cameroon   | Miel blanc d’Oku  
|            | Poivre blanc de Njombé                                                      |
| Côte d’Ivoire | Attiévé de Grand-Lahou  
|            | Khorogho                                                                     |
| Ethiopia   | Sidamo  
|            | Yigacheffe  
|            | Harrar  
|            | Limu  
|            | Jimma  
|            | Lekempt  
|            | Ghimbi                                                                     |
| Gabon      | Oukoume timber                                                                |
| Ghana      | Ghana Cocoa  
|            | Ghana Fine Flavour Cocoa  
|            | Kente Cloth (non agricultural)                                               |
| Guinea     | Café Diama  
|            | Ananas Mafeya                                                                |
|            | Café du Mont Ziama                                                           |
| Madagascar | Vanille du Madagascar                                                        |
| Mali       | Échalote Dogon                                                               |
| Kenya      | Kenya Tea  
|            | Mount Kenya Roses                                                            |
|            | Kenya Coffee                                                                  |
|            | Masai Coffee                                                                  |
|            | Arusha Coffee                                                                 |
|            | Ngoro Ngoro Mountain coffee                                                   |
|            | Cut flowers                                                                  |
|            | Wild silk                                                                    |
| Mauritius  | Mauritius Demerara Sugar                                                      |
|            | Rodrigues Limes                                                               |
|            | Baie Topaz Red Beans                                                          |
|            | Piment Rodrigues                                                              |
|            | Bois Cheris Tea                                                               |
|            | Rodrigues Honey                                                               |
| Morocco    | Huile d’olive Tyout Chiadma AO                                               |
|            | Safran de Taliouine AO                                                        |
|            | Argane IG / Huile d’argan                                                     |
|            | Dattes Majhoul de Tafilalet IG                                                |
|            | Clémentine de Berkane IG                                                      |
| Nigeria    | Pepa Yam                                                                     |
| Rwanda     | Rwanda Mountain Coffee                                                        |
| Senegal    | Yet de Sénégal                                                                |
| Tanzania   | Zanzibar Cloves                                                               |
|            | Rift Valley Coffee                                                           |
| Uganda     | Bark-cloth textiles of central Uganda                                         |
|            | West Nile district cotton                                                     |
|            | West Nile district sesame                                                     |

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Rooibos as a developing and diverse industry
Value chain: The Rooibos Industry

Production
- Commercial Cultivation
- Wild harvesting

Tea court
- Rooibos
  - Oxidation
  - Drying
- Green Rooibos:
  - Drying

2nd-stage processing
- Sifting & dust extraction
- Pasteurisation
- Preparation of extract

Final Processing
- Consumer tea
  - Blending
  - Packaging
- Cosmetics & personal care
- Functional food, beverages and nutraceuticals

Marketing
- Retail Supermarkets
- Speciality shops
- Direct marketing
- Online
What to protect: The elements of a product description

Merchandise Marks (17/’41) - Agricultural Product Standards (Act 119/’90)

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

- Duras Project (2008 – 2010): Identified Rooibos as a GI
- Protection under MMA: Final notice: 2013-09-06
  - Rooibos
  - Red bush
  - Rooibostee
  - Rooibos tea
  - Rooitea
  - Rooibosch
- Published in EU: 2014-02-22
- Economic Participation Agreement
  - Signed 10 June 2016
  - Implemented: 1 November 2016
  - Rooibos (same names as under MMA) now protected in the EU
- Inclusion in EU Register of GI
Inclusion of Rooibos GI in EU Register

Benefits:
• Right to use the EU seal
  – Seal is highly recognised in EU countries
  – Instant consumer recognition.
• Enhanced search of protected names
• Easier protection in other countries with GI

Disadvantages:
• None. Protection will continue under EPA irrespective

Submitted: August 2018

Names to be protected:
• Rooibos
• Red bush

Comments received: 7 February 2019
  • Telecon held on 14 March 2019

Process henceforth:
• Submit response
• Publication in EU
• Receive public comments and defend.
• Eventual inclusion in EU Register.
Thank you
Dankie
Enkosi
Contact Us

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