

Localising Economic Control through Clubs: Examining the Intellectual Property Protection of Feni in Goa, India

BACKGROUND NOTE ON THE PROJECT

Geographical indications (GIs) are a very recent intellectual property right, having been only introduced by the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) in 1994. As evident from products like Champagne, Scotch Whiskey and Tequila, GIs focus on the triple relationship between a product, its special qualities and the geographical territory of origin. To gain protection, the GI-application needs to specify the production methods and how the product's special characteristics are linked to the designated geographical territory of origin. Gaining successful GI-protection allows producers to collectively distinguish their products from other products in similar categories, such as distinguishing *Champagne* from *white-sparkling wine*. The effect of legal protection and product differentiation is to create an exclusive *club*: the protected GI label can only be used by firms who (a) are located in the designated geographical territory and (b) produce the product according to the specified production methods.

This project examines two features concerning exclusive GI-clubs. Firstly, how do different firms and individuals cooperate to make a GI-club? Making the club requires firms and individuals to agree on rules of production methods and borders of the designated geographical territory. While firms and individuals could potentially collectively benefit from GI-protection, the fact that they compete for market shares may make cooperation difficult. The second issue of concern relates to the rules of the GI-club. Closely tying production rules to a designated geographical territory provides an opportunity for a greater share of economic returns to be locally controlled. This may require the rules to be more detailed and require many more production steps to be taken within tightly identified geographical territories. These two issues are interrelated: firms and individuals differ in their perception of production methods and borders of designated geographical area; and thus, may not cooperate in making the GI-club.

The research project uses *Feni* as a case study to examine these issues. *Feni* has a long-established cultural significance for Goans and has become increasingly popular amongst tourists. With growing demand for GI-protection (and a recent application) it presents a unique opportunity to study how different firms and individuals (e.g. plantation owners, workers, distillers, bottlers and retailers) cooperate to agree on production rules, secure GI-protection and share the benefits.

To study these issues concerning *Feni*, the research complements desk base economic and legal research with fieldwork. The fieldwork comprises of interviews with firms and individuals involved in the *Feni* sector, focus group meetings, and a stakeholder meeting. Interviews with bureaucrats, regulators and lawyers will also be conducted. A key contribution of the research is to conduct a comprehensive baseline survey of the *Feni* industry, which aims to include at least 600 firms and individuals. The project commenced in

Dr Dwijen Rangnekar

Research Councils UK Academic
Fellow & Assistant Professor in Law



Centre for the Study of
Globalisation and Regionalisation;
University of Warwick, Coventry
CV4 7AL, UK. Telephone
Goa/Delhi [from 28th March]
9970939193/9891267714; email:
d.rangnekar@warwick.ac.uk

February 2007 and runs until July 2009. The final report and policy brief will be presented at a dissemination meeting in Goa (c. March 2009) and Geneva (c. May 2009).

Apart from the principal investigator, Dwijen Rangnekar, the team includes a research assistant, Mr Vidyaranya Chakravarthy Namballa, who is studying for a PhD in Law at University of Warwick. The baseline survey will be conducted by the *Institute for Research and Development*, Nagpur (*Shodh*), and the research team is lead by Pranab Mukhopadhyay of Goa University. The project benefits from the expertise of a *Research Advisory Group*:

Fr. Romuald D'Souza

Founder Director, Goa Institute of Management, India

Octavio ESPINOSA

Director, Legislative and Legal Advice Division, World Intellectual Property Organisation, Switzerland

Jorge Larson GUERRA

Comisión Nacional Para el Conocimiento y Uso de la Biodiversidad (Conabio). Mexico

T.C. JAMES

Director, Department of Industrial, Policy and Promotion, Government of India

S.K. SOAM

Senior Scientist, National Academy of Agricultural Research Management, India

David Vivas-EUGUI

Deputy Programme Director, International Centre for Trade and Sustainable Development, Switzerland

Sarah J. WHATMORE

Professor of Environment and Public Policy, Oxford University Centre for the Environment, UK

The project will produce a number of publications, which includes a baseline survey of the *Feni* industry, the Final Report and an accompanying policy brief. In addition there will be articles in academic journals, newspapers and magazines. Details of these publications and copies will be available on the project's website

http://www2.warwick.ac.uk/fac/soc/csqr/research/projects/2007/protecting_feni/ or by contacting the project's principal investigator **Dwijen Rangnekar**. The project is supported by a generous grant from the *Economic and Social Research Council*.

Dr Dwijen Rangnekar

March 2008

Dr Dwijen Rangnekar
Research Councils UK Academic
Fellow & Assistant Professor in Law



Centre for the Study of
Globalisation and Regionalisation;
University of Warwick, Coventry
CV4 7AL, UK. Telephone
Goa/Delhi [from 28th March]
9970939193/9891267714; email:
d.rangnekar@warwick.ac.uk

Dwijen Rangnekar holds the *Research Councils UK Academic Fellowship* and *Assistant Professor in Law* jointly at the *Centre for the Study of Globalisation and Regionalisation* and the *School of Law* at the *University of Warwick*. Apart from his research on geographical indications, he teaches and researches intellectual property rights and is working on a book tentatively titled *Seed Capital: The Law and Politics of Plant Breeders' Rights*. Trained as a political economist, he holds degrees in economics, including a PhD from *Kingston University (UK)*. Prior to joining Warwick, he was *Senior Research Fellow in Public Policy* at *University College London (UK)* and also held teaching posts at *Kingston University (UK)* and *Greenwich University (UK)*.

Dwijen has conducted research for, inter alia, the UK government's *Commission on Intellectual Property Rights*, the *United Nations Conference on Trade and Development*, the *International Centre for Trade and Sustainable Development*, *Actionaid*, and the *International Trade Centre*, among others. He has served on advisory committees for *OXFAM*, *UK Food Group*, the *International Plant Genetic Resources Institute* and the *World Trade Institute*, among others.

Dwijen has published widely and in a number of different mediums, including scholarly journals, research reports, magazines and newspapers. His publications on geographical indications include the following:

- (Forthcoming, 2008): *Geographical indications and intellectual property: A legal and economic analysis*
Edward Elgar. Co-authored with Michael Blakeney, Phil Hardwick and Martin Kretschmer.
- 2007: 'A slice of Parma ham: Understanding the Protection of Geographical Indications', in Peter Yu, ed., *Intellectual Property and Information Wealth, vol. 4 – International Intellectual Property Law and Policy*. Praeger. ISBN 0-275-98882-1
- 2007: 'Expert opinion: Geographical indications', Adil Najam, Mark Halle, Ricardo Meléndez-Ortiz eds., *Trade and Environment: A Resource Book*, IISD, ICTSD, The Ring, ISBN 978-1-895536-99-7.
- 2007: Geographical Indications and the Hand-Knotted 'Tibetan' Carpet Sector in the Tibet Autonomous Region, *International Trade Centre (UNCTAD/WTO)*, 46pp.
- 2004: Demanding stronger protection for geographical indications: The relationship between local knowledge, information and reputation. *UNU-INTECH Discussion Paper (No 2004-11)*. Maastricht.
- 2004: The socio-economics of geographical indications: A review of evidence from Europe. *UNCTAD/ICTSD Capacity Building Project on Intellectual Property Rights and Sustainable Development*. 46pp.
- 2003: Geographical indications: A review of proposals at the TRIPs Council – Extending article 23 to products other than wines and spirits, 2003. *UNCTAD/ICTSD Capacity Building Project on Intellectual Property Rights and Sustainable Development*. 57pp.

Copies of some of these publications are available at http://www2.warwick.ac.uk/fac/soc/csgr/research/projects/2007/protecting_feni/qi_papers/ or by contacting Dwijen Rangnekar.

Dr Dwijen Rangnekar
Research Councils UK Academic
Fellow & Assistant Professor in Law



Centre for the Study of
Globalisation and Regionalisation;
University of Warwick, Coventry
CV4 7AL, UK. Telephone
Goa/Delhi [from 28th March]
9970939193/9891267714; email:
d.rangnekar@warwick.ac.uk

Centre for the Study of Globalisation and Regionalisation

Inaugurated in 1997, the *Centre for the Study of Globalisation and Regionalisation* (CSGR) at the *University of Warwick* is the oldest and largest academic centre in Europe dealing with the study of globalisation and regionalisation. Set up as a designated research site of the UK's *Economic and Social Research Council*, it received core funding in two five-year phases (1997-2002 and 2002-2007).

CSGR is a multidisciplinary project. Its staff and associates are drawn from the fields of Anthropology, Business, Economics, Law, Politics and Sociology. Likewise, the Centre's seminars, conferences and other projects generally draw participants from several disciplines. The core staff consists of a Director, Professorial Associates and a number of Senior Research Fellows. The Centre also hosts the European Union Network of Excellence on '*Global Governance, Regionalisation and the Regulatory Framework*' (GARNET) under the EU Framework 6 programme. In addition, the Centre has over forty Warwick Faculty Associates as well as a number of Student Associates and External Associates. Each year the Centre hosts a number of visitors from across the world.

The research agenda of CSGR highlights issues of the definition, measurement, impacts, and policy implications of globalisation and regionalisation, the political economy of global and regional finance and trade, civil society in globalisation and regionalisation, and security issues in globalisation and regionalisation. In terms of activities, CSGR holds an annual conference on a designated theme and 7-8 workshops per year on different subjects, for example, on biotechnology, gender and global governance, and the state of globalisation studies. A weekly seminar series brings speakers from around Britain and abroad to CSGR.

More information at <http://www2.warwick.ac.uk/fac/soc/csgr/>

Economic and Social Research Council

The ESRC is a non-departmental public body principally funded through the Science Budget of the *Department for Innovation, Universities and Skills*. An independent organisation, the ESRC began in 1965 as the *Social Science Research Council*, founded under a Royal Charter. Restructured in 1983 the council was renamed the *Economic and Social Research Council*, focusing on six research areas: economic affairs, education and human development, environment and planning, government and law, industry and employment, and social affairs. Its budget has grown from £73 million in 2001-02 to £181 million in 2007-08, which supports some 2,500 researchers in academic institutions and policy research institutes throughout the UK and more than 2,000 postgraduate students. Just over two-thirds of our budget (£100 million in 2006/07) is allocated to research and just under one-third (£47 million in 2006/07) to postgraduate training.

All ESRC research awards are made in open competition, subject to transparent peer assessment at the outset and evaluation upon completion.

Dr Dwijen Rangnekar

Research Councils UK Academic
Fellow & Assistant Professor in Law



Centre for the Study of
Globalisation and Regionalisation;
University of Warwick, Coventry
CV4 7AL, UK. Telephone
Goa/Delhi [from 28th March]
9970939193/9891267714; email:
d.rangnekar@warwick.ac.uk



THE UNIVERSITY OF
WARWICK

More information at <http://www.esrc.ac.uk/>

Dr Dwijen Rangnekar
Research Councils UK Academic
Fellow & Assistant Professor in Law



Centre for the Study of
Globalisation and Regionalisation;
University of Warwick, Coventry
CV4 7AL, UK. Telephone
Goa/Delhi [from 28th March]
9970939193/9891267714; email:
d.rangnekar@warwick.ac.uk