

**GEOGRAPHICAL INDICATIONS & LOCALISATION: A CASE-STUDY OF FENI**

**Hotel Fidalgo  
Panjim Goa  
24<sup>th</sup> Sept. 2009**

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**Overview**

- ▣ **Background**
- ▣ **Why Geographical Indications?**
- ▣ **Making Feni's Geographical Indication**
- ▣ **Examining the GI-Definition**
- ▣ **Localising Feni**
- ▣ **Conclusion**



# Background

Overview of the Project



## Background

- ▣ Project title: ***Localising economic control through clubs: Examining the intellectual property protection of Feni***
- ▣ Funding Agency: **Economic and Social Research Council (of UK govt.)** (Grant No. RES-061-23-0119)
- ▣ Project location: **Warwick University, UK**





**Research Advisory Group**



<p><b>Fr. Romuald D'SOUZA</b>        Founder Director, Goa Institute of Management,</p>	<p><b>Octavio ESPINOSA</b>        Director, Legislative and Legal Advice Division, World Intellectual Property Organisation</p>	<p><b>Jorge Larson GUERRA</b>        Comisión Nacional Para el Conocimiento y Uso de la Biodiversidad (Conabio).</p>
<p><b>T.C. JAMES</b>        Director, Department of Industrial, Policy and Promotion, Government of India</p>	<p><b>S.K. SOAM</b>        Senior Scientist, of Agricultural Research Management, Hyderabad</p>	<p><b>David Vivas-EUGUI</b>        Deputy Programme Director, International Centre for Trade and Sustainable Development</p>
<p><b>Principal Investigator</b>  <b>Dwijen RANGNEKAR</b>        Warwick University</p>	<p><b>Research Assistant</b>  <b>VC NAMBALA</b>        Warwick University</p>	<p><b>Collaborating Insttt.</b>  <b>Pranab MUKHOPADHYAY</b>  <b>Santosh MAURYA</b>  <b>Suryabhan MOURYA</b>  <b>SHODH</b></p>
	<p><b>Research Mentor</b>  <b>Jan Aart SCHOLTE</b>        Warwick University</p>	





## Research Methodology

- Research Methods
  - Baseline survey
  - Interviews
  - Focus groups
  - Stakeholder meeting
  - Archival research
  - Legal research; case law
  - Economic analysis














## Research Timeline

- ▣ **Fieldwork**
  - April-July 2007: interviews, focus group, baseline survey
  - April-May 2008: interviews, stakeholder meeting
- ▣ **Research Advisory Group Meetings**
  - First: April 2008
  - Second: May 2009
- ▣ **Project Dissemination Meetings**
  - Goa: September 2009
  - New Delhi: September 2009
  - Geneva: Nov/Dec 2009






## Project Publications

- ▣ **Final Report & Policy Brief**
  - *Focussing on the problems in establishing GI specifications for Feni and how these specifications may promote localised economic control; thus, identifying complementary policies to achieve local economic control.*
- ▣ **Baseline Survey of the Feni Sector**
  - *Involving 600+ questionnaires of stakeholders, identifying broad patterns throughout the supply chain for Feni of social and economic indicators.*
- ▣ **Scholarly articles**
- ▣ **Newspaper & Magazine articles**



Further Details at [WWW.WARWICK.AC.UK/GO/FENI](http://WWW.WARWICK.AC.UK/GO/FENI)




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# Why Geographical Indications?

Approaches to the Study of Geographical Indications



100% Colombian Coffee

STILTON  
BRITAIN'S HISTORIC BLUE

GRANA PADANO

toi iho  
maori made

PISCO PERU

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PARMA  
Produce of Parma

DARJEELING

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# The Popularity of GIs

- ▣ **Multilateral bodies and policy groups favour GIs**
  - Rural development & protection of traditional knowledge*
  - Locally based and related to cultural practices*
  - Increasing use of 'place-names' in trade & spillover benefits to locality*
- ▣ **Dual features of GIs**
  - Culturally ensures the integrity of products throughout the supply chain*
  - Economically enables local accumulation of economic returns to region of production*


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## Studying Geographical Indications



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- The Idea of ‘Clubs’**

*Draws attention to difficulties in achieving consensus to ‘make a GI’; and*


*To the consequences of an GI – exclusion of those not observing club-rules*
  
- ‘Localised Specialisation’ as Geographical Indications**

*Draws attention to locally stabilised cultural repertoires; and*


*To the diversity of practices and transformation in habits*



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## The Example of Parma Ham



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**Consorzio del Prosciutto di Parma v Asda Stores & Hygrade Ltd (ECJ May 2003)**

**Issue:** Can Asda sell genuine Parma Ham which is sliced and packed in the UK


**Asda’s argument:** these conditions impose quantitative restrictions on trade (against EC free market principles)

**Consorzio’s argument:** Specifications necessary to safeguard quality and authenticity


**Court’s verdict:** Slicing and packing in front of consumer is similar to bottling of wine in region of origin; rules necessary for “those entitled to use them against improper use of third parties seeking to profit from reputation”

**Asda spokesperson:** the decision is “barmy ... no one doubts that Scotch beef remains Scottish if sliced in Southampton, Jersey potatoes are still Jerseys when boiled in Blackpool, Cheddar’s still Cheddar if grated in Gretna”


**Andrew Oswald, *The Guardian*:** “food snobbery appeared to triumph over common sense yesterday when the European court of justice ruled that Parma ham is not the real thing if it is sliced and packaged in the UK”




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**ASDA**  
part of the WAL-MART family





**PARMA**



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# Making Feni's Geographical Indication

Assembling interests; achieving consensus





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## ‘Making the Feni-Club’

- ▣ Local Interest in GIs
- ▣ Mobilising the Feni Sector
- ▣ Assembling the GI-application
- ▣ Successful Registration





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## Mobilising the Feni Sector


- **GI Road-show in Goa**  
*January 2003: Technology, Information, Forecasting and Assessment Council*
- **Department for Science, Technology and Environment Meetings**  
*Meetings in 2004-05*
- **Establishing Goa Cashew Feni Distillers and Bottlers Association**  
*Registered in July 2006*







## Assembling the Feni-Application

- **Formalising the 'GI-Committee'**  
*Documenting history; archival dating of Feni; scientific analysis of Feni liquor*
- **Assembling Draft GI-Application**  
*Draft ready in Mar. '07; informal consultation with GI-Registry in Oct. '07; formal submission in Dec. '07 as 'Goan Cashew Feni'*
- **Review of GI-Application**  
*GI-Registry Technical Committee reviews application at ICG, Goa – Jan. '08*
- **Submitting Revised GI-Application**  
*Application revised submitted – Mar. 08; Second Technical Committee review – Aug. '08; GI advertised in Oct. '08 as 'Feni'*
- **Successful Registration of Feni as GI**  
*Registered on 27<sup>th</sup> February 2009*









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## The GI-Definition of Feni



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▣ **Double-distilled alcoholic beverage made only from fermented juice of cashew apples, produced through the months of March to May. Further specifications include:**


*Fallen and ripe cashew apples are only used*

*Liquor distilled in traditional pot-still with copper Bhann and Lavni*


*First distillation produces a liquor of 16 to 17 grau*

*Mix for second distillation uses 130 litres of Todap and 110 litres of fermented cashew juice*


*The Grau of Feni is 19 to 20*



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## Examining the GI-Definition

Recalling Changing Cultural Traditions; Securing Localisation




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## 'Name of the Game' & Coconut Feni


- ▣ **Choice of GI Name is Crucial**
  - Understanding the change from 'Goan Cashew Feni' to Feni
- ▣ **Exclusion of Coconut**
  - No discussion by Technical Committee
  - No opposition to GI-application
- ▣ **Consequences**
  - Silencing a cultural past
- ▣ **Common User Rights**
  - Honest and concurrent users have defence to continue use of 'Feni'
- ▣ **Solution**
  - Inclusion of coconut Feni, with labels to differentiate

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## The Raw Material

- ▣ **No geographical limits to cashew source; no prohibition on transporting from outside Goa**
- ▣ **Consider a geographical limit in terms of cashew apple quality for distilling**



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## Pre-Distilling Stages

- Absence of any specifications on crushing and *Niro* extraction – all methods are acceptable



- Consider which are culturally acceptable and review implications for Feni quality

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## Distilling Materials

- Explicitly specifies *Lavni* pot-still with Copper *Bhann*; excludes all other distilling techniques



- Strong case for inclusion of widely pervasive 'coil' distilling system

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## Distilling Mix

- Explicitly specifies the mix for second distillation: 130 litres *Todap* with 110 litres fermented cashew juice





Apparent diversity in practice; less prescriptions on cultural practice is suggested

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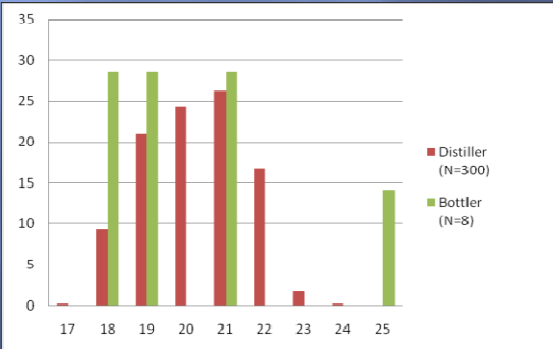
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## Grau

- Explicitly specifies a narrow range of 19 to 20 for Feni

Grau	Distiller (N=300)	Bottler (N=8)
17	1	0
18	9	28
19	21	28
20	24	0
21	26	28
22	17	0
23	2	0
24	1	0
25	0	14

Cultural practices are very diverse; possible solution – a minimum *Grau* ... A point for cultural debate

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## Double or Triple Distilled?

- Explicitly specifies Feni as double-distilled; legally excludes triple-distilled from using the term 'Feni'

- Appears as dominant cultural practices with many distillers adopting it; also appears to be culturally acceptable by drinkers.
- Question remains: should triple-distilled be legally excluded?

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## Post-Distilling Practices

- No specifications on post-distilling practices (e.g. Storage, aging, blending)
- No explicit requirement for bottling in Goa






- Need to recall cultural practices of storage and aging and develop culturally acceptable specifications

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# Localising Feni

## Supply Routes and Geographical Indication

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## Short & Direct

**Main Features**

- Identity of the Distiller; 'local' reputation of distiller
- Few intermediaries
- Proximity between distiller and patron
- Enduring social relations
- Knowledge of patron

Distillers

OWN RETAIL OUTLET (E.G. BAR, TAVERNA)

OWN BOTTLED BRAND

OTHER RETAIL OUTLETS (E.G. BAR, TAVERNA)

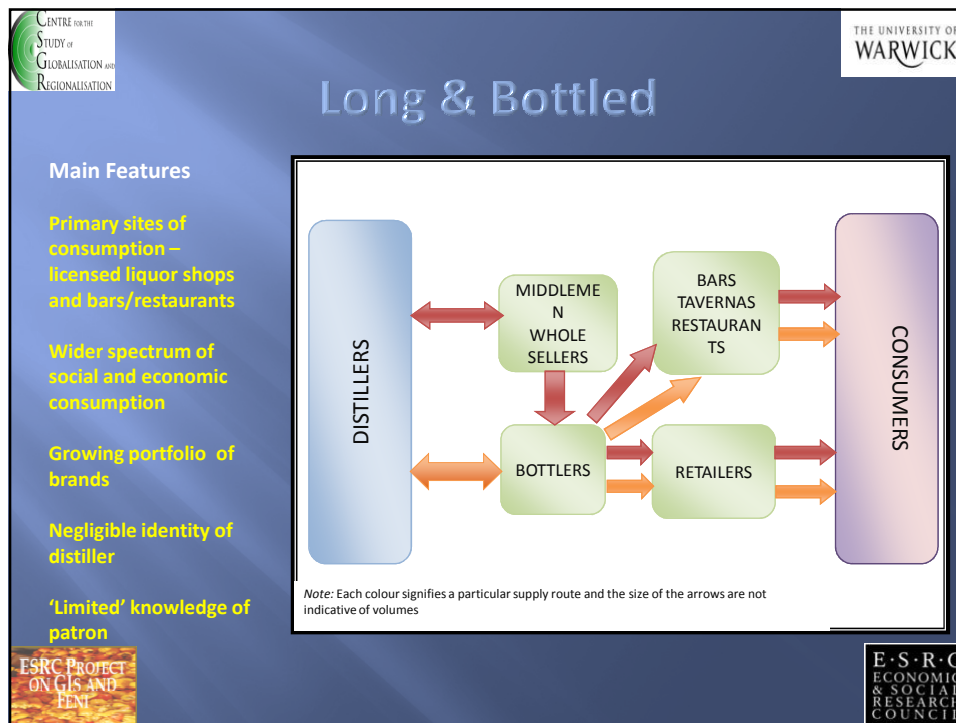
Consumers

Note: Each colour signifies a particular supply route and the size of the arrows are not indicative of volumes

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**Feni and the Tourist**



- Unfortunate image of Feni  
*"... It tastes like gasoline ..."*
- Experiments to remove *caju* aroma  
*... Failure and robbing Feni of its distinctness*
- Feni consumed as a cocktail  
*Possible futures of Feni amongst tourists*
- The Goan Diaspora as the export market!

Logos: CENTRE for the STUDY of GLOBALISATION and REGIONALISATION, THE UNIVERSITY OF WARWICK, ESRC PROJECT ON GIs AND FENI, E·S·R·C ECONOMIC & SOCIAL RESEARCH COUNCIL





## Localising Feni

- ▣ Localising the ingredients
- ▣ Localising the materials and techniques
- ▣ Localising around post-distilling processes



## Conclusion

Recommendations and Suggestions





## Recommendations

- ▣ **GI-Specifications**  
*The inclusion of coconut; explore options for more details; debate culturally acceptable rules*
- ▣ **Feni Association**  
*Widen debate to build robust consensus; undertake Feni awareness campaigns*
- ▣ **Goa Government**  
*Support GI-interest and provide space for consensus; but resist being co-applicant*
- ▣ **GI Registry**  
*Maintain promotion activity; incorporate local experts in technical committee*
- ▣ **Central Government**  
*Audit experience with GI to evaluate GI-system*

