

Israeli geographical indications - Unrealized potential that can be realized?

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Abstract – The protection of Geographical Indications (GIs) is being explored increasingly worldwide as a tool for supporting local sustainable development, stimulating the economy, increasing international trade, and promoting cultural and social exposure. However, the field of GIs in Israel is undeveloped as academic writing and research on Israeli GIs are extremely limited.

Israel has a great potential of producing various bound-to-origin products. The Land of Israel is a unique and diverse region.

The purpose of this paper is to explore GIs from the Israeli perspective. The paper discusses the Israeli legal framework regarding GIs and appellations of origin (AO). However, notwithstanding the evolution of Israel's legal framework over the years, problems related to the GIs regulation remain.

Not only do regulation problems make the registration more difficult. Focusing on the Israeli wine industry as the main case study, this paper traces the possible reasons for not realizing the potential of protecting Israeli products as GIs.

By examining the great benefits GIs registration offers, this paper puts forward arguments supporting a policy of raising awareness and encouraging manufacturers, by the Israeli public authorities, to register their products as GIs.

Keywords – Geographical Indications, Israel, wine industry, consumers, bound-to-origin products, Lisbon Agreement, awareness, public authorities

INTRODUCTION

GIs are distinctive signs which enable consumers to distinguish between products with geographical origin-based characteristics and others without those characteristics. GIs can thus be a key element in developing quality-bound-to-origin products with great economic impact. Furthermore, GIs convey the cultural identity of a nation, region, or specific area. They can give added value to local products and thus make them preferred by consumers. GIs can apply to any product type. However, most of them are food, beverages, and agricultural products (Micara, 2016).

There is no great difficulty to recall different GIs from different countries around the world. This is not the case when one tries to recall Israeli GIs. This is no wonder since there are only 7 of them. Israel has a great potential of producing various bound-to-origin products. The Land of Israel is a unique and diverse

region. Although it is one of the smallest countries in the world, it lies between diverse geological, physiological, and climatic elements. Israel enjoys several climatic zones despite its limited area. Furthermore, Israel is unique as a country with an unprecedented number of immigration groups from around the world, with local cuisine that is still in the characterization stages (Haddad, 2017).

The question that arises is why these characteristics are not reflected in a significant GIs registration, given its benefits.

The purpose of this paper is to explore GIs from the Israeli perspective. The paper discusses the Israeli legal framework regarding GIs and AOs. At first glance, it appears that by adopting the international legal framework, Israel has an extensive legal framework for protecting local goods. It has a sui generis protection system and both GIs and AOs are governed, by statute, under the AOs and GIs (Protection) Law. Israel is also a member of the Lisbon Agreement for the protection of origin and their international registration. However, notwithstanding the evolution of Israel's legal framework over the years, problems related to the GIs regulation remain.

The paper presents the Jaffa oranges case. The only Israeli AO that has been registered until recently. The paper tries to answer the question of why so many years have passed since the Jaffa oranges registration to the small number of registrations in recent years.

Focusing on the Israeli wine industry as a study case, the paper traces the possible reasons for not realizing the potential of protecting Israeli products as GIs. No actual legislative steps have yet been taken towards a mandatory classification of wine regions. There is a lack of effective means of supervision and control, a lack of a body legally authorized to update the wine regions, and a lack of clear and binding professional criteria regarding the determination of the boundaries of the wine regions (Ulpan, 2017).

Additional explanations refer to the influence of the American perspective on GIs over Israel and commercial interests.

By examining the great benefits GIs registration offers, this paper will put forward arguments supporting a policy of raising awareness and encouraging manufacturers, by the Israeli public authorities, to register their products as GIs.

METHODS

The paper gives an overview of the development of AOs and GIs in Israel. Examining the Israeli legal framework of GIs and AOs and the case studies of the

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Jaffa oranges and the Israeli wine industry, the paper tries to explain why there is no extensive registration of GIs and AOs in Israel.

RESULTS

It was found that there is one general explanation for the phenomenon of the lack of GIs registration in Israel and several more specific explanations.

The general explanation regards the American perspective on GIs. Although Israel has a sui generis protection system like many prominent countries that have extensive registration of GIs, there are only a few registered GIs. The Israeli mindset is the shadow of the American mindset in many ways - culturally, politically, socially, and economically. The field of GIs is no different.

The United States, historically, has not had separate law, apart from its system of trademarks, to protect GIs. According to the American perspective, GIs are similar to trademarks in that they function as source indicators. Therefore, the United States believes that the names of many products should not be protected based on their status as GIs because such names do not deserve protection under trademark law; many product names are considered to be generic terms (Goldberg, 2001).

Following the American influence, during its years Israel tried to promote globalization. This is at the expense of sanctifying the locality which is one of the foundation values of GIs. Therefore, there may be an underestimation of GIs registration.

In addition, an analysis of the case studies shows there are many lacunas in the legal framework that make it difficult to register GIs in Israel. Israeli wine legislation has developed quite sporadically and incidentally. It is mainly external events that have initiated the few legislative initiatives related to the cultivation of the wine vine, the production of the wine, its marketing, the import and export of wine products, and so forth. Only a few pieces of legislation refer, among other things, to wine as well. Most of them deal with aspects of protecting the public as a food consumer and completely ignore the uniqueness of the wine. Many of these pieces of legislation originated during the British Mandate, and they were absorbed with the establishment of the state into the Israeli legal system. Over the years, changes and adjustments were made to them.

An additional explanation is commercial interests that reduce the motivation for registration. For example, Israel is one of the only countries that has not joined the Cheese Convention (the Stresa Convention), mainly because Israel's leading dairy company, Tnuva, is the largest exporter of Feta cheese to the United States.

CONCLUSIONS

The American perspective weakens the locality and blurs the unique traditions. Israel has an unprecedented number of immigration groups from around the world, but the local cuisine is still in the characterization stages and does not always welcome these cooking traditions - for political and cultural reasons. Without a strong characterization of the local cuisine,

the local products suffer from a lack of attention which can lead to a narrow registration. GIs convey the cultural identity of a nation, region, or specific area. Only when Israel will give a central place to its traditions and its local products, GIs registration will increase.

In addition, the legal framework must be addressed. As for the Israeli wine industry, actual legislative steps must be taken toward a mandatory classification of wine regions and actual actions must be taken regarding the supervision of the use of wine region names on labels of Israeli wine bottles.

Another conclusion is that raising awareness by public authorities among consumers and manufacturers about the many benefits of GIs may outweigh the existing commercial interests. GIs system contributes to brand recognition which is an essential aspect of marketing. Consumers pay more attention to the source of the product and refer to the specific characteristics of different products. Also, the consumers may benefit from using GIs by receiving extensive information about the products and preventing them from being misled about product characteristics. The GIs help market products and drive economic development. GIs products often also have other important influences such as in the fields of tourism and gastronomy. In addition, the use of GIs can promote rural development.

The article tried to open a preliminary window into the world of GIs registration in Israel with the object that the Israeli GIs registration would be expanded so that Israeli products would enjoy its many benefits.

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