

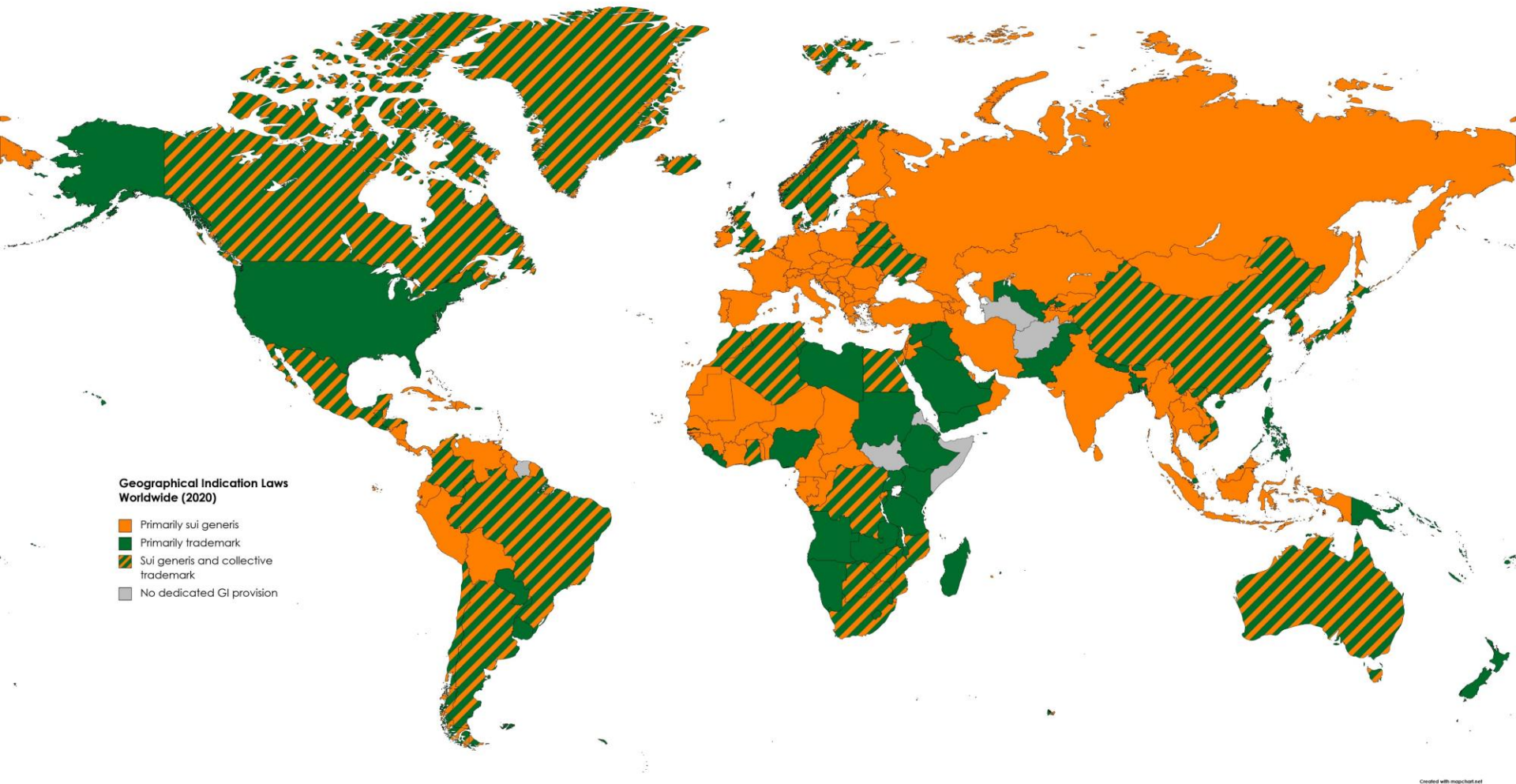


Worldwide Perspectives on Geographical Indications  
Montpellier, France – 5 to 8 July, 2022

**The patrimony blind spot of Geographical  
Indication in state-centred governance:  
Mikawa region agri-food products in Japan**

**Hart N. FEUER, Fatiha FORT**

# Worldwide development of GIs



· Increasing dominance of *sui generis* GIs following TRIPS (1992)

WIPO (2018) estimates 59,500 GIs in 82 countries.




## Differing perceptions outside of EU core

### By consumers, heritage producers

- An elite government “brand” honoring distinct heritage agri-food producers
- Maintenance of territorial traditions, diversity and traditional knowledge
- Fraud prevention and mark of high subjective quality



### By government, recent agri-food producers, EU/trading partners

- Focus on high objective/technical quality
  - Collective certification can be efficient for large and small producers
  - Protecting rural livelihoods and preserving traditional culture
  - Smooth integration to international trade agreements
  - Support tradition within modernity; small producers and industrial actors
- 



## **Contradicting** perceptions outside of EU core

### By consumers, heritage producers

- An elite government “brand” honoring distinct heritage agri-food producers
- Maintenance of territorial traditions, diversity and traditional knowledge
- Fraud prevention and mark of high subjective quality

### By government, recent agri-food producers, EU/trading partners

- Focus on high **objective/technical quality**
- Collective certification can be **efficient for large producers** and small producers
- Protecting rural livelihoods and preserving traditional culture
- Smooth **integration to international trade** agreements
- Support tradition within modernity; small producers **and industrial actors**



## Consumers

### Longstanding Heritage Producers

Patrimony protection

Elite producers

High perceived quality

Fraud prevention

Rural livelihoods

## Government

### Recent Agri-food Producers

Technical quality

Large, industrial actors supported

Global markets and trade agreements



# Perceptions of GI Governance EU vs Other Regions


## **Ideal of European GIs**

- Bottom-up collective approach centered around producer group
- Content of the GI defined by consensus and negotiation
- Patrimony and reputation of the product is defining concern, centered around heritage culture, diversity, and exclusivity

## **Reality in many new GI regions**

- In East Asia, governance of GIs has been predominantly state-centered
- State plays an interventionist coordinating role or final cultural arbitrator
- Economic development and global trade focus

## **Potential problems arising from this divergence**

- Privileging of economic output and inclusive/permissive GI content can disadvantage small heritage producers
  - Contradictions and conflicts in Japan are a warning sign for governments in Asia and elsewhere who impose a politicized market logic on GI
- 



# Case Study: Mikawa region, Japan

- Mikawa Province was an old province area that today forms the eastern half of Aichi Prefecture (Nagoya)
- Vibrant trade and luxury area along the Tokaido Road near Okazaki castle of the Tokugawa Ieyasu
  - Miso, Sake, Mirin, Shoyu (soy sauce), Salt, etc.
- The Tokugawa shogunate governed Japan during the Edo period from 1603 to 1868.

# Mikawa region



Mikawa province  
until 1872



Aichi Préfecture  
from 1872

# Kokonoe Mirin



- 250-year history, one of 7 surviving *hon mirin* producers
- Fermented product from rice, koji, shochu liquor. Aged for one year+
- Inclusive region is famous for mirin and sake
- **Limited interested in GI**
- **Limited contact with neighboring mirin producers**



# Hatcho Miso



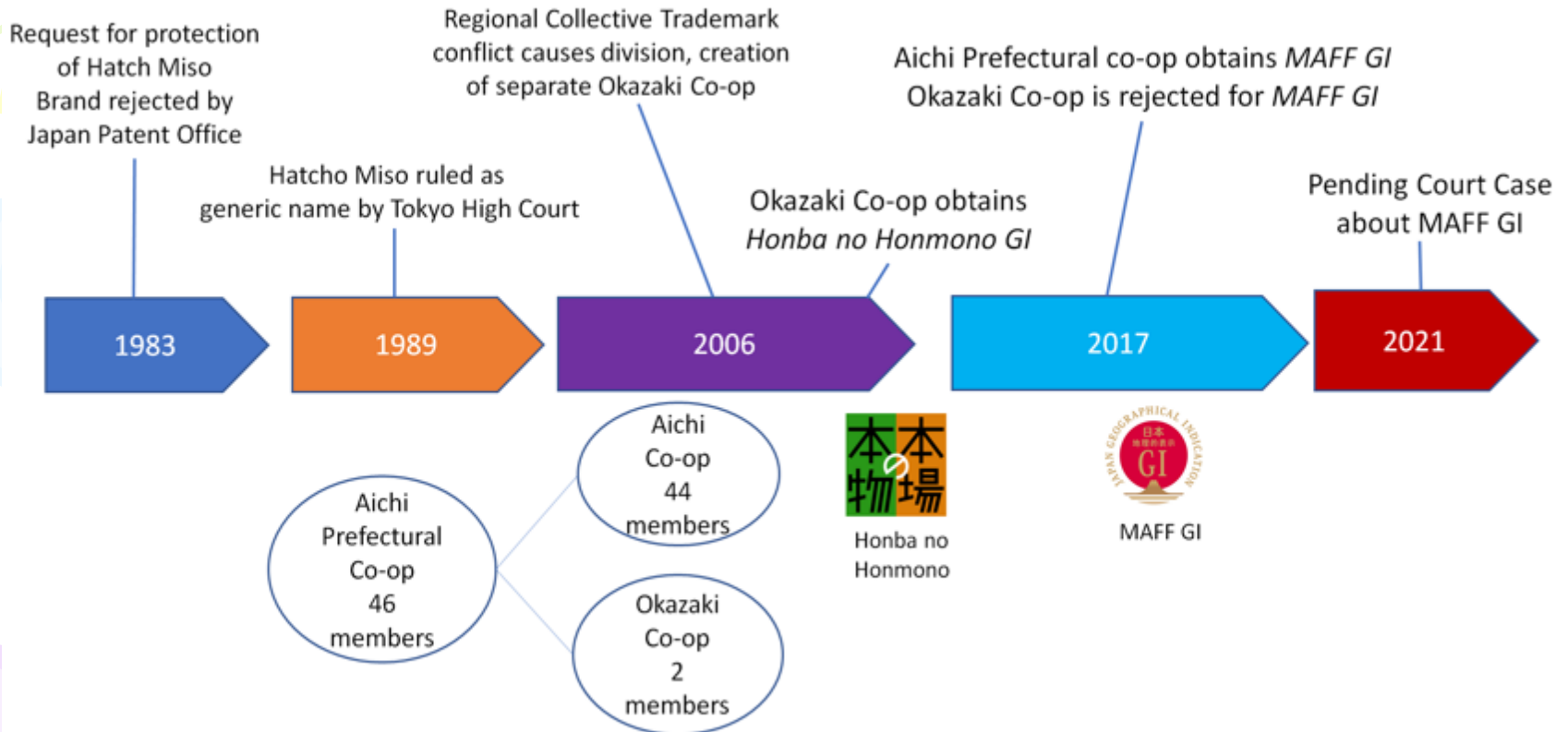
- Two breweries with 600+-year history, others ~200 years or modern
- Made from soybean, salt. Long aging (1-2 years)
- The region of original two breweries is called “Hatcho District”
- **Major conflicts between old and new producers**
- **MAFF sided with recent producers; ongoing lawsuit.**



# Ancient “Old glory” Products Struggling with GI?

- Historical Hindrances to Collaborative Governance
  1. Long-standing competitive animosity
  2. Absent incentives for sectoral collaboration
- Recent Hindrances to Collaborative Governance
  1. Disputes over minimum standards
  2. Technical quality control vs. Subjective quality control
  3. Competing options for branding

# The Hatch Miso protection long history



# Government arbitration and privileging of inclusive producer groups

## *Top-down control disadvantages heritage producers*

Simplification & consolidation toward minimum standards – part of the “inclusive” expansionist market orientation of MAFF’s GI limits differentiation, dilutes exclusivity.

## **Shared governance model of producer groups is unattractive**

Kokonoe Mirin. Dynamism of heritage mirin products is at odds with static regional heritage governance. GI producer groups are not the venue for intersection of innovation and respect for heritage.

Hatch Miso: MAFF can justify privileging inclusivity as an effort to revitalize a declining miso sector, while historical producers view this as allowing industrial producers to free ride on long-established reputation and marginalize small producers voting power.

# Conclusion

- New GI countries do not necessarily ascribe to the European “spirit of GI” centered around patrimony, diversity, preservation of producer livelihoods.
- The top-down approach show some biases in the prioritization of elements for qualification and valorization due to divergences between heritage value and commercial potential. By intervening in "heritage valorization" in order to meet its objectives of modernizing the rural world, the State also directly or indirectly redefines local heritage in its own way.
- Merit-based or democratic mechanisms of GI governance centered on pride, fraud-prevention, and reputation are replaced by public strategic concerns reflecting political goals, such as inclusivity, efficiency, upscaling, and export.
  - For Hatcho Miso, rivalries concerning authenticity and exclusivity led to duelling GI applications and a deterioration of cooperative behaviour
  - For Kokonoe Mirin, longstanding competition between breweries in the region and the lack of differentiation offered by the GI label failed to galvanize mirin producers in the Mikawa region to cooperate.
- Conventional intellectual property frameworks might be more effective for allowing “frenemies” to work together for territorial development.