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DISPARITIES IN RECOGNIZING GEOGRAPHICAL INDICATIONS: CAUSES, CONSEQUENCES, POSSIBLE EVOLUTIONS

Disparidades en el reconocimiento de las Indicaciones Geográficas: Causas, consecuencias y posibles evoluciones

Disparidades no reconhecimento das Indicações Geográficas: Causas, consequências e possíveis evoluções

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ABSTRACT
Geographical Indications (GI) are labels indicating that a product possesses "a" specificity linked to the area of origin. However, implementing GIs does not offer full guarantees in this regard. We find big differences in the criteria used worldwide for GI recognition. To explain these disparities, we propose to consider three sources of drift: technical, political, and commercial. We assume that indications of source (a relation to the territory without any specificity) should be clearly differentiated from indications of origin (the place associated with specificity) recognized by GIs. This would contribute to achieving a more objective and reliable system, in view of its perpetuation.

KEYWORDS
Intellectual property, evaluation, systems analysis, food production, cultural heritage.

RESUMEN
Las Indicaciones Geográficas (IG) son sellos que indican que un producto posee una especificidad vinculada al territorio de origen. Sin embargo, la implementación de las IG no ofrece plenas garantías al respecto. Encontramos importantes diferencias en los criterios utilizados a nivel mundial para el reconocimiento de las IG. Para explicar estas disparidades, proponemos considerar tres fuentes de deriva: técnica, política y comercial. Asumimos que las indicaciones de procedencia (una relación con el territorio sin especificidad) deberían diferenciarse claramente de las Indicaciones Geográficas (el lugar asociado a la especificidad) reconocidas por las IG. Esto contribuiría a lograr un sistema más objetivo y fiable, con vistas a su perpetuación.

PALABRAS CLAVE
Propiedad intelectual, evaluación, análisis de sistemas, producción alimentaria,

RESUMO
As Indicações Geográficas (IG) são selos que indicam que um produto possui uma especificidade ligada ao seu território de origem. No entanto, a implementação das IG não oferece garantias plenas nesse sentido. Observamos fortes diferenças nos critérios utilizados mundialmente para o reconhecimento das IG. Para explicar essas disparidades, propomos considerar três fontes de divergências: técnicas, políticas e comerciais. Partimos do pressuposto de que as indicações de procedência (relação com o território sem especificidade) devem ser claramente diferenciadas das Indicações Geográficas (o local associado à especificidade) reconhecidas pelas IG. Isso contribuiria para a obtenção de um sistema mais objetivo e confiável, visando sua perpetuação.

PALAVRAS-CHAVE
Propriedade intelectual, avaliação, análise de sistemas, produção alimentar, patrimônio cultural.

Introduction

Geographical Indications (GI) are labels that indicate that a product possesses "a" specificity linked to the territory of origin; the official definition refers to "quality, characteristics, or reputation." This objective and symbolic specificity is built locally in the course of history (Allaire et al., 2011). Such specificity should be identifiable and correspond to what the local society assumes as its own. The criteria on which the recognition of the GI is based should be stable, shared, and known by the different countries worldwide.

However, the implementation of GIs does not offer full guarantees in this regard. The findings of ambiguities in the regulations and, above all, in their interpretations (Barjolle and Sylvander, 2000), as well as contradictions in the way GIs are implemented (Bonanno et al., 2020), entail a great diversity of qualities communicated under the large umbrella of the GI, with the risk of misleading. In fact, there are strong differences in the criteria used worldwide for the recognition of GIs. Therefore, GI products are not always true origin products.

To what extent can a rating system be considered reliable if it does not always present equivalence, neither conceptual nor practical (Casabianca et al., 2011), between countries? How appropriate is a global system that benefits countries with a lower level of requirements to recognize GI? What are these drifts in the recognition process due to?

From our experience as researchers, members of recognition systems bodies, and partners in the processes of constructing applications, mainly in Europe and Latin America and more particularly in France for Casabianca (Marie-Vivien et al., 2017) and in Argentina (Champredonde et al., 2013), we gather observations from many situations of GI applications we had to analyse over more than twenty years. This paper intends to put together several invariances we met during these personal experiences, for identifying the major sources of drift. According to this identification, we identify and proceed with the induction of the most relevant points of reference for analysis. Moreover, the several cases cited within the paper are not used as full case studies but just as exemplification of the issues we noticed.

We explore successively the three main sources of drifts identified, according to i) the content of the GI applications, ii) the way they are registered, and iii) the presence of GI products on the markets. We discuss the findings of every source of drifts we identified in order to conclude on some suggestions supposed relevant for improving the GI recognition and, by the way, the consistency of GI as a stable category of food.

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Drifts at production level

At this level, the drifts identified come, fundamentally, from the definition and interpretation of what means "products with specificities linked to the territory." A wide variety of products can be identified as "local". A great diversity of situations regarding the link with the territory and its specificities may pretend to be recognized as GI.

To explain these drifts, GIs are supposed to identify products whose quality (symbolic and objectifiable) derives from the territory of origin through an elaboration over time. The first controversy concerns time to consider as a minimum when analysing the age of productive activity and its roots in the territory. The second controversial factor is what should be the importance of the human factor in the construction of specific quality and whether the recipes are enough to qualify the product as "local."

Technical references for analysis

The presence of a certain specific quality can originate from the interaction of the following factors: environment, genetics, facilities or tools particular to the territory, and local knowledge (Allaire et al., 2011). To analyse the divergences in the technical judgement of applications for recognition through GI, we consider the reflection we already developed (Champredonde and Casabianca, 2016). It proposes to consider in an articulated way, simultaneously, the anteriority of the productive activity in the territory and the specificity of the territorial resources mobilized locally in this activity.

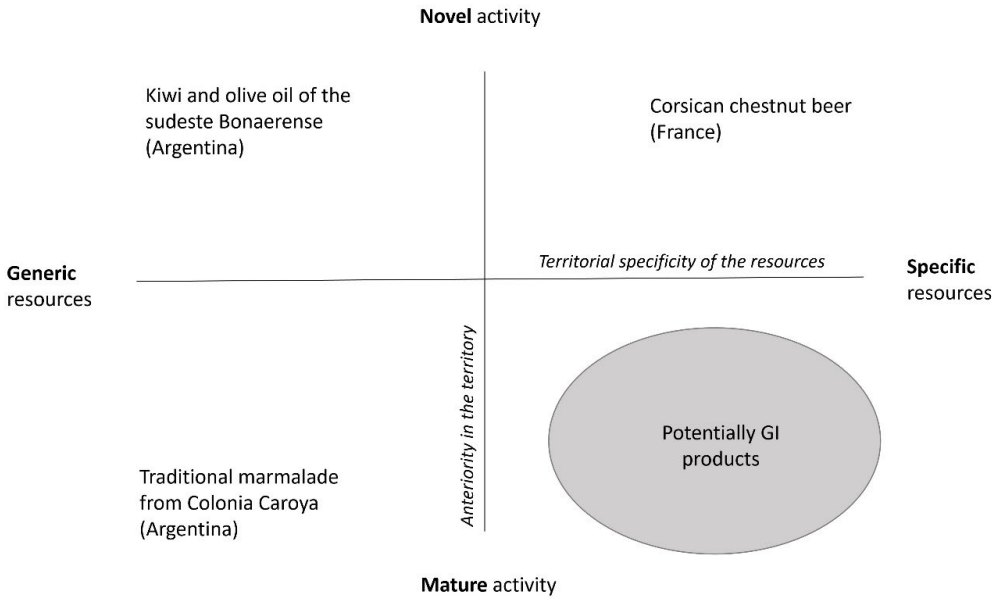
a) The precedence of the activity at the local level. This is described in terms of mature vs. novel. We consider that an activity is mature (mature activity or MA) in the territory when the local community recognizes it as rooted at the local level, and production practices and knowledge associated with it were subject to intergenerational transmission. An activity can be considered as novel (novel activity or NA) when its presence in the territory covers a period of only one or at most two generations (less than 30 to 40 years), and there was little time for novel knowledge specific to the activity to be generated and transmitted collectively.

b) The specificity of the territorial resources involved in the production process, human factors (local practices and knowledge), the tools and facilities, and the biophysical aspects (agro-ecosystem, genetics, raw materials). Resources are considered generic (generic resource or GR) when they are accessible in any territory. Specific Resources (SR) show particularities impossible to find in similar resources in other territories. We can find a gradient that goes from a high degree of territorial specificity to a predominance of generic resources.

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The consideration of both factors simultaneously allows us to elaborate a first typology of products with different types of links with the territory (Figure1).

Figure 1. Typology of products with different types of links with the territory
Figura 1. Tipología de productos con diferentes tipos de vínculos con el territorio



Source: own elaboration. Fuente: elaboración propia.

The quadrant of novel activity with generic resources (NA/GR) has the weakest link with the territory, while the strongest link is the one that combines (MA) and SR. However, not all products in this quadrant, even potentially differentiable by GI, become effective GI applicant, frequently due to the lack of agency of the local actors.

This typology allows us to identify some situations that have led to the recognition of products as GI in situations that, in principle, would not correspond.

These cases bring us back to a point often controversial: the use of the criterion of reputation as a basis for the recognition of products by GI. The reputation of a GI product is built on a specific quality that is associated with the area of origin; it results from a historical presence of the product on the market, rather than some *ad hoc* communication strategy (which would generate fame, not reputation). In some cases, the indiscriminate incorporation of exogenous technologies can lead to the loss of the specificities but retain its reputation (Champredonde and Muchnik, 2012).

In the (MA) (SR) quadrant, not all products can benefit from GI recognition. Despite the presence of local specificities, the products do not present a truly specific quality. In order for a product to benefit from a GI, it should be first necessary to iden-

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tify the specificities that make it unique and what are the local factors that origin them. Such a collective and local process is called by Sainte Marie et al. (1995) the "reconstruction" of the specific quality linked to the territory and requires a strong capacity of the actors to build agreements and effective coordination among them.

The problems identified

Numerous situations involving GI products have very weak technical bases. Although few cases are cited in this work, this situation is repeated in all countries, on different continents in which GIs are implemented.

The most frequent problems arise from interpretations that can be considered simplistic in terms of identifying specificities and establishing their relationship with the territory. The common mistake is to identify some particularity of the product and then tell its story in the region. These approaches lead to various problems:

a) In the case of products combining novel activity (NA) and generic resource (GR), the superior commercial quality of the local product can be confused with territorial specificity. Cases such as that of the Kiwi in the Southeast of Buenos Aires in Argentina represent situations in which the precedence in the territory refers to a maximum of 20 years. Frequently, both the genetics and the technologies used in the region are entirely imported. In these cases, the commercial quality achieved a qualification based on international quality standards.

b) In the case of products combining mature activity (MA) and generic resource (GR), emphasis is placed on the historicity and traditions associated with the activity (that is, its anchoring of the product in the territory)[1] and, in many cases, brief descriptions of the production/elaboration processes of the product in the territory are used, highlighting positive attributes (but not specific to the territory). There are three possible si-

1 Authors like Sanz-Cañada (2016) use the concept of Territorial Anchoring for all types of local products that derive from local activities that have historically evolved within the territory. These involve biological and social aspects specific to the territory... and that define their typicity. However, Champredonde (2014b) restricts the use of this concept of Anchoring to differentiate between two situations: products with territorial typicity, that is, those that can be identified around a type (Casabianca et al., 2011), and those anchored in the territory but that do not present "a" specific quality that allows for the identification of a type. "The anchoring of any product implies considering it as the result of the following phenomena: a) the territorial anchoring of the human group that produces, transforms, markets, and consumes it. b) the product's integration within the repertoire of elements that make up the culture of that human group. c) the product's capacity to become an identity marker for that same human group. This also implies external recognition of both the human group in question and the product itself. … but without a specific quality that identifies it" (2014b: 26).

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tuations here: the first is that there has never been specificity in the local product, despite the historical presence of the activity in the local territory (for example, salame of Tandil). However, the diversity of products is wide, including finely chopped and coarsely chopped salamis. Nor are there any specificities in the raw materials found locally or imported (for example, Italian PGI Bresaola della Valtellina made with Brazilian meat). The activity is mature in the territory, and there is an imaginary that associates it with the name. The lack of "uniqueness" in specific quality can be compensated for by describing one of the variants of the local product.

The second possibility is that the product has lost its territorial specificity due to the incorporation of exogenous technologies and genetics (for example, wines from Vale dos Vinhedos). In this case, modern wines replaced *vitis labrusca* with *vinifera* and are made based on production techniques and qualification methods exogenous to the territory.

The third case is when starting from broad administrative units, within which the product could recognize particularities in certain territories within the delimited area, like coffee from Costa Rica. It seems to encompass different variants of the product, within which some products with territorial specificities could be found.

c) In situations of MA associated with SR, these specificities in the production process may not manifest themselves in the local product, due to the lack of correlation between the cause and effect, or due changes in practices that weaken territorial specificities. For example, milk pasteurization in cheese production. In some cases (for example, French St Nectaire or Ossau-Iraty cheeses), both pasteurized and raw milk can be used within the same GI (Sainte Marie et al., 2020).

Otherwise, even if there are specificities in the activity and in the product, some situations generate controversies in the process of constructing an application of recognition. A first controversy arises from the construction of the evidence on which the application is based. Cerdan et al. (2009), cites the limits of solely biotechnical studies while other elements, especially human ones, should be considered to explain and to project local specificities.

In other cases, the process of agreements leads to defining variants of the product that are not recognized as their own by the local community like PGI (Piadina Romagnola) and PDO (Bitto) in Italy. According Petrini, in both cases "an association of industrial producers claimed the history of artisanal production and obtained the recognition of the seal by claiming the authenticity of these versions of the local product" (Petrini, 2014).

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Our typology helps in understanding the technical reasons why GI recognition leads frequently to acceptance into the category of production systems and products presenting a lack of specificities or legitimacy according to the genuine definition of what should be a GI.

Drifts at political and institutional levels

We now consider the sources of drifts in the registration of GI products, related to the political and administrative aspects, due i) to the particularities of the registration body (RB) actors involved in the administrative processes, and ii) to partisan political interests that can influence administrative processes.

From the Institutional point of view, the recognition of GI for a product is an administrative act where the group submitting the AR and the state delegating to RB interact for a certain time before the state makes the final decision (Marie-Vivien and Biénabe, 2017). Even if big differences may be observed in the organization of such a process of examination (Penker et al., 2022), we try to synthesize our observations around the 2 main levels, the political one and the institutional one.

At political level

Political factors affect the implementation of GIs at different levels. First, we must mention the genesis of GIs in the Southern European countries, their extension to the rest of Europe given the internal agreements in the European Union, and their recent diffusion in the rest of the continents.

Regarding the genesis of GIs, the Designations of Origin (DO) were born to protect the geographical name of products with territorial reputation, against usurpations in Southern France and Italy.

The interpretation of what should be protected are objects of strong debates, particularly in France influenced by the doctrine of Capus (1935, cited in Allaire, 2011): consider at the same time the territorial specificities generated within the process of production and for the product differentiation (Allaire, 2011).

To the production and commercial components, in his rhetoric Capus adds another central element in the DO: "the collective or heritage character of the appellation… and the recognition of a collective right" (Capus, 1935, cited in Allaire, 2011: 83). The heritage character of the PDO included not only territorial specificities but also social and environmental aspects, biodiversity and natural resources, gender equality, and public health.

The European regulation in 1992, within the framework of agreements among EU countries created the Protected Geographical Indication (PGI). Together with the PDO, they are parts of the GI (later recognized by the WTO like GI definition). Grea-

ter weakness is included in this rhetoric, especially with regard to the "usual practices for product elaboration." In fact, the bases proposed in defining the PGI are more imprecise and open to interpretation than that of a PDO. These are based on concepts such as reputation, a certain quality, or other characteristics attributable to a geographical origin. For this reason, it is accepted that a PGI "identifies a more distant link to the origin" (Carimentrand et al., 2019: 2) than a PDO.

PGI was object of internal debates in the EU to solve the divergence of views between countries regarding GIs. In addition, at the international level, a visible divergence refers to doctrine about intellectual property rights: "The United States has followed a different path with the use of certification/trademarks to identify either product origin or other differentiable characteristics" (Patel et al., 2011: 287). In this context, we consider the bases that underpin PDOs to be clearer and more precise, and the debate becomes more complex when it comes to PGIs, even if both have the same effectivity in protecting the name.

When analysing the differences in the GIs registration at the level of each non-European country, they are mainly due to the type of institution in charge of implementing them at the national level, such as Intellectual Property Offices, Ministry of Agriculture, or Ministries of Industry (Allaire, 2011, Cerdan et al., 2011, Champredonde, 2014a). It was also influenced by the participation of other accompanying bodies such as research organisations, universities, business and professional organisations, trade unions and producer associations (Allaire, 2011: 55).

At the level of each country, the paradigms on which the political proposals are based (productivity, competitiveness and orientation to foreign markets), the tendency will be to prioritize industrial versions of local products, reinforcing hygienist visions (with the risk of losing some of the territorial specificities).

Political power is also the foundation on which stable and specialized institutions in GIs are built. Therefore, in political stages in which GIs are not considered important, specific structures are weakened (Marie Vivien et al., 2017) and this can lead to an increase in drifts with respect to recognized products.

Surely, the greatest political phenomenon impacting the drifts is the pressure exerted from different political spheres on the registration body (RB), so that some products are recognized without all the technical bases that may justify them.

Independence and absence of conflicts of interest (not always guaranteed) between the RB and political power is therefore required (Marie-Vivien and Biénabe, 2017). This factor is vitally important and often difficult to achieve all over the world.

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At Institutional Level

To be registered, a GI application is logically involved in complex processes of examination till the final decision-making. Some works (see Penker et al., 2022) described contrasting pathways existing within the EU, despite the existing common regulation to be implemented by the member states. Huge differences are observable when various continents are analysed together. We identified several sources of drift according to the main stages of the process.

Those who apply for recognition

We find two different sources of drift here. Regarding the formal definitions of actors with a legitimate interest, there are differences between countries and regions regarding who can apply and about which legal figures can propose the application for recognition (AR). While European laws define "producer groups" as those who participate directly in the activities that contribute to the specificity of the product, in Latin American (LA) countries such as Peru, state agencies can make the application. In other countries, Public Institutions, a local government, or a single producer could apply for recognition of an IP or a PGI.

Secondly, regarding the type of local actors able to participate. According to Petrini (2014), the largest companies with industrial logic would have the most favourable conditions to design and present the application for recognition. This is due, i) to the greater availability of human and material resources to participate in the organizational process, and ii) because their raw materials, facilities, tools, etc., are well adapted to health regulation requirements.

Moreover, as Marie-Vivien et al. (2019) stated, disparities exist within the group of producers applying for a GI. The representativeness of every type of actor in the governance of the application (and in the future board of the GI after recognition) is not guaranteed. Some rules included in the code of practices may induce unbalanced relationship among the actors. These problems may affect the way the added value is distributed along the value chain (Marescotti and Belletti, 2016).

The seals that are implemented in each country

Some confusion comes from the definition of the seals and the delimitation of the qualities they communicate. The main confusion comes from the definition of the PGI because a sufficient condition is to enjoy only a reputation linked to the origin, even without any specificity.

This situation is even more complex, as the seals recognized Indication of Source (IP) like Brazil and the Andean Community. In the language of GIs, "Source" means that a product from a territory (attested by traceability) does not have any specificity linked to the territory. Considering IP equivalent to Protected Geographical Indications (for example, Brazil), increases the confusion.

The State body receives and evaluates the application for registration

The main sources of drifts are found in the particularities of the GI registration bodies (RB) due to different historical developments. In Europe, RB were formed and evolved while quality labels were implemented at the national level. Later, structures emerged with competences at the European level that legitimize quality labels recognized in the different countries. Thus, there are differences in the characteristics and functioning of these bodies (Penker et al., 2022), even among the Mediterranean European countries with the highest number of registered PGIs and PDOs.

For example, if in France a centralised body (INAO) is dedicated to quality seals, in Spain each Region is autonomous and therefore is responsible for the recognition of its own products. In Italy, there is an intermediate situation where regions and a central office are involved in the process.

This may have consequences for defining the typical products and implementing the controls:

> It should be noted that the impartiality of the entire public inquiry procedure is put into question if it is run by a regional political body, as is the case in Spain, Italy and Germany, which could be more accommodating towards an application in order to assist regional development. In this case, what should be an entirely impartial body is both judge and party in the inquiry. (Barjolle and Sylvander, 2000: 30)

So, very different mechanisms of institutional organization for GI monitoring and control are still observed within Europe. The involvement of the European Commission, in charge of the final registration at the European level brought some alignment on the required precision in the applications (Marie-Vivien et al., 2017).

Moreover, the differences between the territorial scope of the RBs may imply various degrees of specialization on the part of the officials of the RBs and their human resources, in the ability to advise and analyse the applications, and also in the relational distance between the political bodies that promote them and the RBs that must decide whether an application is accepted or not.

In LA, the introduction of GIs into national legislation and the generation of RBs is more recent. This Region, during the period 1995-2015, shows an exponential increase in a few years (similar to that recorded in countries such as Spain, according to Moral (2021), reaching a hundred in a decade (Champredonde, 2014a). Obviously, in a few years it was not possible to have, in all National RB, professionals trained in the technical skills related to GIs.

Regarding the skills of RB officials, we can also point out the predominance of training in legal aspects and economics of its officials, so there is a marked tendency to

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consider GIs mainly as tools for the protection of Intellectual Property and market regulation. These professional specializations determine the orientation of what should be recognized as a GI.

Drifts at the commercial level

At the commercial level, GIs are considered as tools for differentiation, in a context of competition, in search of better remuneration and secure product placements (Vandecandelaere et al., 2009). And the role of GIs in the market is assumed to be effective "if it is able to generate a surplus for the local system through differentiation, due to the remuneration of the specific qualities" (Galtier et al., 2008: 2). So, such a premium seems the main criterion to make sure that the GI label is useful for overcoming market failures and for better functioning.

On the other hand, economic theory postulates that remuneration is a function of the reputation of the product differentiated by GI (Allaire, 2009). We will analyse the drifts related to the specificities communicated, the use of territorial reputation (as a common good) and the property regime.

Confusing signals about the specificities of the local product (in a context of uncertainty)

Economic theory rests on the fact that GIs offer consumers clear and reliable signals about the territorial specificities of the product and the local activity that generates it (Allaire, 2009).

What happens then, at the market level, when the technical foundations on which GIs are built are weak or absent, and therefore the information provided is confusing or contradictory? Firstly, "the varying level of quality and specificity of registered products, and their methods of production the current information being communicated to consumers is misleading" (Barjolle and Sylvander, 2000: 40). Secondly, the consequences of implementing misleading communications to consumers can lead to different situations, weakening and reducing the credibility of GIs.

Another drift is the one denounced by Petrini, in which the variant of the local product retained is not representative of what the local community recognizes as its own. Thus, local consumers do not understand or distrust the signals transmitted by GI and lose reliability in this sign of quality.

Uses of reputation as common good

Reputation was mentioned as a central element at the commercial level in the differentiation of GI products.[2] Reputation constitutes a common good for the local community and must be preserved both in the reconstruction of quality and in the commercial implementation of GI.

In terms of specificities, one aspect to manage collectively is adaptation to the markets, without losing territorial specificities. The qualification of local products, based on global criteria, can contribute to the trivialization and loss of the specific quality of the product, given the weakening of the link with the territory.

In that sense, Penker et al. (2022) point out the influence of state policies: in Austria, the possibility for producer groups to have a great deal of autonomy in the construction of protocols favours production strategies that make the operation of production systems more flexible, but that can affect the specific quality of the product, as in the case of Marchfeld's asparagus.

Since the marketing of GI products is the responsibility of each producer, failures in GI controls can lead to the misuse of reputation, with an offer of products that do not comply with the GI protocol, but making use of the seal (*free rider* strategies).

In other cases, the drifts are due to the fact that the GI protocols are not very demanding and leave open the possibility of offering products with a weak link with the territory or with the presence of non-qualities.[3] At the level of connoisseurs, contradictory signals are given, discrediting the GI and, in the long term, the reputation of the product. At the level of producers, it can lead those who are most aware and identified with a patrimonial vision to avoid using GI and to be themselves the guarantors of the preservation of the common good. Some producers of Pelardon (a goat cheese from Southern France) decided to quit the PDO as they consider the typicity of the PDO products too weak (J.P. Boutonnet, personal communication). In these cases, the sign of quality that prevails in the eyes of connoisseurs is the trademark of the producers who offer the typical product outside of the GI. They are generally offered by direct sale or through e-commerce.

The "exclusive" use of the name for GI products

The greatest weight of a GI in the market is linked to the exclusive use of the geographical name of the recognized product. Regarding this exclusivity, we identified

2 Reputation is the result of a construction based on the territorial specificities of the activity and the product

3 Local versions of a product that do not correspond to the definition of the typical product (out of type).

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three problematic situations. The first is due to the legal limitations imposed by countries such as Argentina, which does not reserve the use of the name but the GI logo. The differentiation strategy is weak as non-typical products can also benefit from the reputation and use of the territory's name.

In the case of pampas meats, there are two situations that may be considered as usurpations of the geographical name. On the one hand, the Brazilian IP Carne Pampa Gaucho da Campanha Meridional was an attempt to take advantage of the reputation of pampas meats (especially Argentinian meats) in the international market (Champredonde et al., 2013). But, on the other hand, the Argentine interprofession also uses the image of beef from the pampas, exporting under the name of Carne Argentina (associated with the reputation of the meats of the pampas plain) even though they come from different regions of the country and, in some cases, from intensive fattening systems.

Table 1. Sources of drift
Tabla 1. Fuentes de derivas

Technical	**Political and institutional**	**Commercial**
Reputation as a sufficient element to support a differentiation through PGI.	Structures with little demand for technical analysis (Regions of Spain, Austria, Costa Rica).	Selection of processes and products according to market criteria.
Territorial Anchorage (only symbolic quality) vs Territorial Typicity) (Champredonde, 2014b)	Recognition of a GI product with a national area (for example Feta in Greece, Café de Costa Rica)	
New products with superior commercial quality (kiwi del SEB).	Influence of political actors on technical decisions.	Domination of a short-term vision where GI is reduced as a fashion
The technical proof is enough (Cerdan et al. 2011).	Inclusion of IPs within Qualified GIs (Brazil)	Loss of specificities in the production and product processes.
Industrial techniques (silage, milk pasteurization, cosmopolite breeds) accepted while other GI products prohibit them.	Sanitary and commercial regulations are little adapted to "handmade" products. Counter-selection of local systems and products.	Marginalization of local systems and products based on local markets or short chains (Champredonde, 2014a).

Source: own elaboration. Fuente: elaboración propia.

Consequences

The several sources of drift gathered in Table 1 show an alarming picture of the current GI foodscape. Our exploration confirms that GI is not a homogeneous category; powerful forces are operating creating room for weak specificities and a poor link to the place, and such a variety of constraints is always benefits to the less demanding situations.

The presence of products that communicate GI without having the technical bases generates unbalanced constraints first among the producers, some of them less demanding for local resources or local practices, while the others are choosing elements for ensuring a true place-based product. Such disparities are inducing great differences in the cost of production or the inclusion of new technologies, margins, and incomes as well.

It may also imply the loss of local knowledge, specificities, or biodiversity reduction. On the other hand, our observations of numerous cases, and exemplified in some that we cite in this text reveals confusion among actors who wish to begin the construction of a GI regarding the objectives and methodologies to be used.

This situation also generates misleading to the consumer and inequities at the commercial level. The local society may reject the GI product, as out of the shared vision of it should be. Such disconnection between local connoisseurs and the GI system places the GI product outside of the local heritage and gastronomy. Moreover, these inequities can generate unfair competition in the national market, in the exchanges between countries, and be the source of asymmetries in the commercial rights between commercial blocks.

We could identify several levels of unfair competition:

i) Coexistence in a given country of GI products with contrasted situations: for example, in France, Cantal and Comté cheese share the same sign; in Argentina, Salame de Tandil and Salame de Caroya

ii) Competition between countries: Countries with a large number of products benefit from the GI policy, including products with low legitimacy.

iii) Asymmetries between continents: Europe presents many recognized products compared to continents such as America, Asia or Africa.

As a major consequence, the credibility of the GIs is finally affected: the less legitimate products provide evidence that the sign is not trustable, even for the true place-based product. Such problems also induce ethical gaps and difficulties in equity in the ways local situations are treated.

Conclusion and perspectives

The drifts regarding the qualities communicated by the GIs recognize three origins: at the productive, political-institutional, and commercial levels. The first one is induced by the definitions that can lead to confusion, especially in the PGI. But above all, in the interpretation criteria of the various philosophies, consider GIs (as market tools, intellectual property or for the promotion of local development). The lack of specific training of the actors involved, especially officials, is another important source of drift. This is strongly related to the political-institutional factor, both due to the orientation of the policies on the GIs, as well as the control mechanisms

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implemented or the partisan interference in the construction process of specifications for each GI. At a commercial level, the influence of the market on production processes, and agreed qualities (divergent from the typical product) and free rider strategies by producers.

From our perspective, these drifts weaken the system, reduce credibility, and induce negative effects at the territorial level. Moreover, such disparities, even discrepancies, contribute to the great confusion at customer level, as the various signs are not clearly associated with different types of links to territories. Even if the current definitions are supposed to provide a relative uniformity in the intellectual property rights and their implementation, we observe that GI products do not constituting now a clear category: they show a huge heterogeneity beyond the normal diversity of foods concerned.

Faced with these drifts, our reflection aims at proposing possible ways of reorganization, in which situations that do not respond to the requirements of the GI are redirected to other devices such as territorial brands. A large number of regions are implementing territorial branding in order to identify just a local anchorage (traditional activity but products without a specific quality) or recent productions in the territory that have high commercial quality. This strategy, along with effective communication, can strengthen the product's position in relevant markets and, depending on the working methodologies, can be supported by collective actions and contribute to the enhancement of the territory. However, they cannot be considered as potential geographical indication products (see Figure 1).

In particular, we assume that indications of source (a relation to the territory without any specificity) should be clearly differentiated from indications of origin (the place associated with specificity) recognized by GI. Therefore, the protection of names would be reserved for the GI, with the indication of source being assessed by traceability but not mixed with origin. In any case, new debates should take place around the exclusive use of the name, beyond the ordering of recognized and recognizable products with GI. This would contribute to achieving a more objective and reliable system, in view of its perpetuation.

Contributor Role Taxonomy (CRediT)

Marcelo Champredonde: Conceptualization, data curation, formal analysis, investigation, methodology, supervision, validation, writing — original draft, and writing — review and editing.

François Casabianca: Conceptualization, data curation, formal analysis, investigation, methodology, supervision, validation, and writing — review and editing.

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