行政院及所屬各機關因公出國人員出國報告書 (出國類別:其他)

出席「亞太經濟合作會議一鄉鎮一品牌研討會(APEC/One Village One Brand Seminar)」報告

服務機關:行政院農業委員會農糧署

經濟部智慧財產局商標權組

姓名職稱:陳博惠 技正

董延茜 商標助理審查官

派赴國家:韓國

出國期間:99年6月22日至99年6月25日

報告日期:99年9月1日

報告摘要

亞太經濟合作會議(APEC)及韓國智慧財產局共同主辦之APEC/一鄉鎮一品牌國際研討會於2010年6月23至25日於韓國首都首爾舉行,研討會包含研討會議、展覽會及首爾市設計之導覽等3個部份。

研討會講者包括:政府部門、產業、與地方發展有關之智慧財產 組織、國際組織代表,及品牌行銷、智慧財產權專家等,透過研討會 議及展覽會等活動,達到下列目的:

- 一、提高公私部門對於品牌行銷於地方經濟發展扮演角色的重視。
- 二、促進對於用以保護地方特產品牌的智慧財產權工具的瞭解,並增 強運用該等工具於地方經濟發展的能力。
- 三、討論於地方層級,使智慧財產權工具得以更有效使用於地方產品 行銷的組織支持及集體行動強化的方式。

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壹、目的與過程

本次 APEC/一鄉鎮一品牌國際研討會於 2010 年 6 月 23 至 25 日於韓國首都首爾市喜來登華克山莊飯店 (Sheraton Grande Walker Hill Hotel) 3 樓會議室舉行,由亞太經濟合作會議 (APEC) 及韓國智慧財產局共同主辦,計有 18 個 APEC 經濟體及其他相關國際組織、團體、學者及產業代表等約 80 人參與,研討會安排主要分成 3 個部份 (研討會時程詳附件 1):一、會議,二、展覽會及三、首爾市設計之導覽;我國係由行政院農業委員會農糧署陳技正博惠及經濟部智慧財產局商標權組董商標助理審查官延茜等 2 人代表出席,並由陳技正博惠於 6 月 24 日第 6 個議程「地方特產品牌行銷及智慧財產權利用的支持架構」中進行專題報告(圖 2),題目為:「台灣農產品著名產地名稱保護一產地證明標章及產地團體商標之推動情形」(中英文全文報告,詳附件 2),並以目前我國產地證明標章推動成效最卓著的池上米於展覽會中展示及宣傳 (圖 3~4)。本次研討會相關時程如下:

一、研討會議

- ◆ 6月23日上午9時至下午6時。
- ◆ 6月24日上午9時至中午12時45分。
- ◆ 6月25日上午9時至中午12時30分。

二、展覽會

- ◆ 6月23日上午9時至下午6時。
- ◆ 6月24日上午9時至下午2時。
- ◆ 6月25日上午9時至下午1時。

三、首爾市設計導覽

◆ 6月24日下午2時至下午5時30分。

貳、「一鄉鎮一品牌」研討會議情形

「一鄉鎮一品牌」研討會議(研討會會場,如圖 1)包含 8 個 議程,6 月 23 日研討會議開幕式由韓國智慧財產局局長 Mr. Soowon Lee 致歡迎詞,亞太經濟合作會議智慧財產權專家小組主席 Mr. Jorge Amigo 及世界智慧財產權組織副總幹事 Ms. Binying Wang 亦針對智 慧財產權效益及其保護重要性發表演說,各議程主題及講者報告內容 如下:

- 一、議程1「有效品牌行銷及其對於地方經濟發展的貢獻」
 - (一)韓國 Hanyang 大學 Mr. Choong-Min Han 教授介紹韓國出口的發展模式,包括「外國進口者主導的出口」、「擔任合約製造商的 OEM 出口」、「品牌行銷——行銷管道推動」及「品牌行銷——消費者牽引」等 4 個階段,在第 3 個階段,雖然出口商已開始耕耘國外市場,但是仍依賴當地的經銷商行銷產品,在第 4 個階段,出口商始具有產品設計、市場調查及行銷能力。另外,利用品牌的形象定位,有助於產品打入國際市場,例如:我國電腦品牌「Acer」、香港服飾品牌「Giordano」及韓國化妝品牌「Laneige」分別以為美國、義大利及法國產品形象定位成為知名國際性品牌。
 - (二) 美國國際開發署(United States Agency for International Development,簡稱 USAID)的資深商法顧問 Mr. Charles A. Schwartz 從法制面討論品牌行銷,認為已開發國家才需要重視智慧財產保護的看法已經過時,現在即便是開發中國家也已經意識到建構完善的智慧財產保護法律制度對品牌行銷的重要性。
 - (三) 墨西哥 Technology University of Cancun 校長 Ms. Leslie Hendricks 報告 Quintana Roo 州以智慧財產促進社會發展的

經驗。Habanero Chili Pepper 為農業發展的案例,Habanero Chili Pepper 是 Yucatan 半島上 Yucatan 州、Campeche 州及 Quintana Roo 州的重要經濟作物,2006年 Yucatan 州政府申 請 Yucatan 在 Habanero Chili Pepper 受原產地名稱保護,雖 Campeche 州及 Quintana Roo 州政府表示反對,2008 年墨西 哥工業保護機構(Mexican Institute for the Industrial Property) 仍作成僅有 Yucatan 州受到原產地名稱保護的決定。因此, 2008 年 11 月 Quintana Roo 州政府提出墨西哥史上第一個關 於工業財產的憲法訴訟,主張關於 Habanero Chili Pepper 的 原產地名稱保護應擴及 Quintana Roo 州,否則該州生產的產 品將無法在國內及國際與取得原產地名稱保護的產品公平 競爭。其後,Campeche 州政府亦提起訴訟。最後,因為考 量 Yucatan 半島上的土壤及瑪雅文化條件都相同,以及墨西 哥工業保護機構的協助, Campeche 州及 Quintana Roo 州亦 受到原產地名稱的保護。報告中另提及 Quintana Roo 州以團 體商標推廣漁業,及以商標推廣旅遊業的成功經驗。

- 二、議程 2 「商標、證明標章、團體商標、地理標示等智慧財產權工 具的比較」
 - (一)國際商標協會(INTA)代表 Ms. Marion Heathcote 介紹用以保護產品的商標、團體商標、證明標章等權利,並比較商標與地理標示的差異。另提及鯨面、圖騰等原住民文化表達作為行銷上使用,引發原住民團體抨擊其屬濫用傳統文化牟取商業利益的不當行為議題。
 - (二)國際地理標示網路組織(oriGIn)代表 Mr. Aitor Pomares 比較商標法及地理標示的特別法制度,認為地理標示是保護地方價值最為妥適的工具。
 - (三)韓國智慧財產協會副研究員 Ms. Jeeyoun Shin 由國際貿易的

角度探討地理標示制度,表示地理名稱用於商標未必均具有 產地的意義,例如費城奶油乳酪(Philadelphia Cream Cheese),「費城」並非產地的說明,關於地理名稱的保護, 應視個案情形而定。至於原產地名稱(Appellation of Origin) 與地理標示,前者的定義見於里斯本協定,後者則在 TRIPS 協定,前者強調產品的品質或特性完全或主要肇因於其地理 環境 (geographical environment), 而後者規定商品品質、聲 譽或其他特性主要源自於其地理來源(geographical origin), 前者強調地理環境,後者則否,前者為後者的子集,而二者 皆屬來源標示 (indication of origin) 概念的一環。此外,韓 國農產品品質控制法(Agricultural Product Quality Control Act)及商標法均有保護地理標示的規定,前者保護範圍為 農產品及農產加工品,後者則及於所有產品,前者要求農產 品必須種植於該地理區域,若為農產加工品,則必須以該地 理區域生產的農產品為原料,且於該地理區域進行加工,要 件較為嚴格,故目前實務上多依商標法申請團體商標來保護 地理標示。至於地理標示的國際間保護合作,韓國與歐盟交 換地理標示保護清單,歐盟清單有1,062 筆地理標示,韓國 則有 10 筆。

- 三、議程3「APEC經濟體地方特產品牌行銷的案例研究」
 - (一) 泰國 Doi Chaang Fresh Roasted Coffee Company 總裁 Mr. Wicha Promyong 報告該公司藉由改善產品品質,致力品牌行銷,將產品推廣到全球的成功經驗,因為品牌的建立,農民可以獲得應有的利潤,使生活獲得改善。
 - (二)貝汝競爭防禦及智慧財產保護國家機構(National Institute for the Defense of Competition and Protection of Intellectual Property)的技術合作及國際事務主管 Mr. Mauricio Gonzales

報告該國 ALTOMAYO 咖啡的品牌行銷經驗。

- (三)菲律賓智慧財產局副局長 Mr. Allan Gepty 報告該國「一城鎮,一特產 (Own Town One Product)」的計畫。中小企業占菲律賓註冊事業 99.6%的比重,並僱用 70%的勞動力,該計畫希望能激勵中小企業,並提升其能力,進而創造就業。地方行政主管機關主導具有比較利益的地方特產或服務的認定,以及發展與推廣,菲律賓智慧局則舉辦研討會,以喚起國民對於智慧財產保護的重視。
- (四)中國大陸國家工商行政管理總局商標局商標審查第 4 處黃副處長 (Ms. Huang Wenhui)報告地理標示法律制度的發展:中國大陸自 1985 年開始利用商標保護地理標示;1995 年地理標示首次以證明標章取得註冊;2001 年地理標示保護及註冊納入商標法規範;2007 年建立地理標示產品的特別標示,2008 年成立地理標示審查處。迄 2009 年底,已有 771 個地理標示獲得初步審定及註冊。22 個地理標示的樣本顯示,取得地理標示註冊後,商品售價為過去的 3 倍,收入增加15-485%,且提供了更多的就業機會。並以庫爾勒香梨及安溪鐵觀音為例,報告中國大陸地理標示的註冊與保護。
- (五)韓國首爾市政府首爾設計總部副部長 Ms. Hyo Jin Kang 報告「首爾品牌設計(Design Seoul Brand)」,包括首爾設計的策略、首爾代表物 Haechi¹、首爾顏色及首爾字體,統一的顏色與字體規劃,可以表現出一致的首爾形象。

四、議程4「執行與發展地方特產品牌策略的方法論」

(一)Light Years IP 副總裁 Mr. Mohammed Garad 報告該組織的「捕



捉智慧財產價值計畫(IP Value Capture Programme)」,鑑於非洲特色產品的生產農民及出口者收入僅佔產品價值非常低的比例(以烏干達為例,該國自出口商品所得收入僅佔產品價格的 13%),絕大部分收入由批發商及零售商取得,該計畫希望藉由運用智慧財產的商業策略,使農民及生產者取得更多收入。Light Years IP 的「衣索比亞精品咖啡企劃(The Ethiopian Fine Coffee Project)」已協助該國改變精品咖啡市場的既有秩序,透過 Harar、Sidamo 及 Yirgacheffe 精品咖啡取得商標註冊及授權的積極行動,2008 年該國農民的出口收入增加了 1 億美元。Light Years IP 致力於以「捕捉智慧財產價值計畫」協助非洲國家瞭解及運用智慧財產,從而自該利用獲取利益。

- (二)香港蔬菜統營處行銷經理羅家豪先生報告該處發展「好農夫」 的品牌行銷策略,該策略的形成係因應中國大陸的競爭,亟 需建立香港當地蔬菜的形象,故該處於 1992 年成立「優質 蔬菜部」推廣「好農夫」品牌,並以「新鮮、安全、優質」 作為品牌訴求。香港魚類統營處葉顯偉先生則報告該處推廣 優質產品標章的行銷經驗,包括:於超市辦理促銷活動、自 2007 年舉辦漁農美食嘉年華、於中國大陸舉辦展覽會,及提 供「網路訂貨、送貨到府」服務等。
- (三)雪梨大學地球科學系講師 Mr. Jeffrey Neilson 以印尼咖啡產業 為例,比較生產者與買方驅動兩種方式對於地方品牌行銷的 優劣,認為買方驅動方式可以用較低的社會成本產生地方品 牌行銷的利益,較有利於商品產地價格提升,且與買方建立 的長期關係有助於將知識及技能移轉給生產者。
- 五、議程5「產業觀點—品牌行銷的需求與顧慮」
 - (一)越南茶葉協會(Vietnam Tea Association,簡稱為 Vitas)茶市

場研究及發展中心主任 Mr.. Nguyen Thi Anh Hong 報告越南茶葉品牌的發展,越南茶葉年出口金額達 1.8 億美金,是世界第 5 大茶業出口國,600 個茶葉公司擁有超過 100 個品牌,但是大部分都只是模仿成功的品牌,出口的散裝茶則完全沒有自有品牌。為了茶葉的食品安全及幫助建立茶產業的品質標準,越南政府建立 CHEVIET 茶葉國家品牌,該品牌為政府對於茶葉品質與衛生安全的保證。CHEVIET 於 2005 年取得證明標章註冊,迄今已於 73 個國家及地區取得註冊,19 個越南公司取得使用該品牌的資格。越南政府仍持續對茶葉生產者推廣 CHEVIET 品牌並提供訓練,除此之外,也協助農民建立品牌。

- (二)智利 Manka-GourmetProducts 的研發經理 Ms. Marianella Raygada 報告該公司的品牌發展過程、行銷策略及智慧財產權保護對於品牌行銷的重要性。
- (三)馬來西亞 Desaku Trading 總裁 Mr. Ishak Bassiran 則報告該公司致力於「一家庭一產品 (1 Family 1 Product)」從失敗到成功的經驗,並將其成功歸結為:不打烊的線上行銷模式、健康概念產品、具有競爭力的價格及配送到家等因素。
- (四)韓國 Sookmyung Women's University 全球服務系 (School of Global Service) Ms. Yoo-Jin Han 教授報告韓國女性生產者、經銷者、企業家在品牌行銷上的障礙,根據韓國智慧財產局的統計,2008 年女性在商標申請與註冊比例均為21%,韓國婦女仍面臨教育程度較低、高生育率但社會基礎設施不足,與升遷上無形障礙 (Social glass ceiling)的問題。
- 六、議程6「地方特產品牌行銷及智慧財產權利用的支持架構」
 - (一)日本專利局商標組資深商標審查官佐藤淳先生報告日本藉由 建立地域團體商標制度保護地域品牌的經驗,截至2010年5

- 月,日本專利局受理約940件地域團體商標申請案,其中有 4件為他國提出的申請案,已有460件成功取得註冊。
- (二)我國農委會農糧署陳博惠技正報告台灣農產品著名產地名稱保護推動現況,除介紹產地證明標章與產地團體商標註冊的保護機制,以及著名產地名稱保護推動措施及實績外,並以「池上米」為例,報告著名產地名稱取得證明標章註冊的效益(相關報告如附件2)。
- (三)墨西哥藝術品及工藝品發展國家基金會的代表 Ms. Violeta Arellano 報告墨西哥 FONART 工藝發展國家基金關於改善工匠生活品質與保存傳統文化的努力,該基金係利用團體商標保護工匠的智慧財產權,目前管理 32 個團體商標,藉由建立品質標準進行產品的品質控制,將團體商標定位為文化、傳統與種族淵源以取得市場認同。除對工匠提供訓練外,也加強原物料品質,與生產者直接聯繫,以降低成本,並建立原物料倉庫。
- (四)印尼法律與人權部智慧財產權總局印尼地理標示專家小組成員 Ms. Shinta Damerys Sirait 報告印尼地方特產品牌行銷的工具,包括:地理標示、生產者個人品牌,以及模仿日本所運用的一鄉鎮一品牌計畫。地理標示於 2007 年引入商標法,農產品、自然產物、工業產品及手工藝品均屬地理標示保護範圍。關於地理標示的保護,印尼政府成立地理標示專家小組,與地方政府合作,於地理標示註冊提供協助,該小組具有獨立審查使用規範書(註冊要件)的權能。
- 七、議程7「利用智慧財產對國際發展之協助」
 - (一) 國際智慧財產權組織(WIPO)發展合作計畫經理 Ms.
 Francesca Toso 報告 WIPO 發展與智慧財產委員會
 (Committee on Development and Intellectual Property, 簡稱

CDIP)的「開發中及低度開發國家產業發展的智慧財產與產品品牌行銷計畫(Project on Intellectual Property and Product Branding for Business Development in Developing Countries and Least-Developed Countries)」,該計畫係源自韓國政府2009年第4次的會議提案「協助低度開發國家農民與生產者建立產品品牌方案(Program for Assisting Farmers and Producers in Least-Developed Countries (LDCs) to Produce Brands for their Products),計畫目標在於協助中小企業規劃及執行運用智慧財產進行品牌行銷的策略,以發展地方社群及建構地方能力。目前已選定3個國家(包括亞洲國家泰國),並在個別國家選擇出2項產品進行該計畫,成果包括:在地方生產者間對於選定產品的品牌行銷可能性達成共識、對於產品品牌行銷的策略性意見提供諮詢、加強生產者對於品牌行銷的認識、進行能力建構與基礎架構的建制及辦理藉由品牌行銷的認識、進行能力建構與基礎架構的建制及辦理藉由品牌行銷促進社區發展的研討會等。

- (二)韓國智慧財產局國際事務組組長 Mr. II Gyu KIM 報告韓國與 開發中國家關於利用智慧財產的發展合作經驗,包括:藉由 智慧財產的使用幫助地方社群提高收入,特別是協助開發中 國家運用品牌或商標於地方特產(東帝汶咖啡案例);與 「Good Neighbors」簽署備忘錄,包括協助查德製造芒果乾 及甘蔗炭;技術移轉等,並介紹韓國協助查德建立的 「delriche」芒果品牌。
- (三)加拿大貿易促進辦公室 (Trade Facilitation Office Canada,為非營利之非政府組織,成立宗旨在於協助開發中國家出口至加拿大市場)資深人員 Ms. Kathleen Holland 報告該辦公室協助開發中國家建立品牌的經驗,並分享5個工藝品、紡織品及農產品集體品牌 (group brand)的品牌建構案例。

(四)世界貿易組織(WTO)低度發展國家加強整合架構(Enhanced Integrated Framework for Least Developed Countries)執行長Ms. Doroyhy Tembo 報告該架構提供支持性共同行動計畫以強化智慧財產工具於行銷的運用。該架構係1997年由世界貿易組織(WTO)、國際貨幣基金(IMF)、世界貿易中心(ITC)、聯合國貿易暨發展會議(UNCTAD)、聯合國發展計劃(UNDP)及世界銀行(World Bank)六個多邊組織共同創立,目標包括:以貿易作為國家發展計畫的主要手段,並在傳遞與貿易有關的技術援助合作提供協助。

八、議程8「對於開發中經濟體地方特產品牌行銷的 APEC 合作」

大會將參與人員分為 A、B、C 組,希望藉與會代表的腦力激盪, 找出對於開發中國家地方特產品牌行銷, APEC 可以採取的集體行動,以下為各組討論結果的摘要:

- (一)A組:品牌行銷的3個目標在於:建立品牌、推廣品牌及保護品牌,為達品牌行銷的目的,必須增進生產者對於智慧財產工具的瞭解,區域性組織可以在品牌行銷上提供協助。
- (二)B組:建立品牌行銷案例的資料庫有利於經驗分享,政府應在品牌行銷上扮演協助的角色,政府與組織應考慮提供所需基金。

(三) C 組:

經過討論,小組認為,已開發國家燗熟使用的商標、證明標章或地理標示等智慧財產工具,對開發中國家的人民,尤其是農民或農業生產者,毋寧是陌生的,欲於開發中國家推廣品牌行銷,建立品牌觀念應該是第一要務。其次,有效的品牌行銷還必須建立在具有一定品質的商品上,穩定的品質為品牌行銷成功的基礎。又品牌行銷的實務操作可以透過學習、模仿而進步,各國成功的品牌行銷經驗可以在 APEC 場

域透過經驗分享來互相學習。此外,隨著品牌行銷案例的累積,可以經由分析,進而整理歸納出一套品牌行銷的工具組,該工具組為最佳化的模型,生產者可依其需要,自該工具組中選擇適用之智慧財產保護及品牌行銷方式。C 組討論歸納如下:

- 1、建立地方生產者關於設立品牌,並以智慧財產權保護品牌 的觀念。
- 建立地方生產者關於穩定品質有助於創造價值性品牌的 觀念。
- 3、在APEC場域由經驗分享來學習。
- 4、發展 APEC 工具組—以妥適的智慧財產權(商標、團體商標、證明標章、地理標示等)作為品牌行銷的最佳模型。
- 5、辦理地方、國家及區域層級的教育訓練。
- 6、執行技術協助及顧問指導的計畫。
- 7、考慮建立一鄉鎮一品牌基金。
- 8、推動 APEC 國家簽署費用較低廉的馬德里議定書註冊,使 較容易取得國際性的註冊。
- 9、規劃一鄉鎮一品牌生產者的競賽計畫。

參、「一鄉鎮一品牌」展覽會情形

「一鄉鎮一品牌」展覽會目的,是希望各會員體展示當地著名品牌的產品,介紹該品牌的形成、品牌所有權人、管控品質的方式及保護該產品的智慧財產權工具,並介紹品牌行銷的經濟效益等。本次參加展覽會的國家計有墨西哥、菲律賓、韓國、智利、泰國、越南及我國等7國(圖4-1、4-2),各國參展的品牌特色產品分述如下:

一、墨西哥展示「TEXTILES BROCADOS」團體商標的手工織布上

衣及手提包、菲律賓分別展示「CAEE AMADEO」及「DON ROBERTO'S」品牌的咖啡豆及芒果酒與咖啡酒等。韓國展示其首都首爾市以「HAECHI」形象為品牌所設計的相關產品及「SAENGGEO JINCHEON」(生居鎮川)米。智利展示的品牌產品分別為:「MANKA」系列果醬、「ALMA SOL」葡萄酒醬、「TOROPAIRE」啤酒、「NATURALY MAS」系列蔬果汁及「FONTEVITA」蔬菜油等。泰國展示「DOI CHAANG」為品牌的咖啡,該咖啡的產地是 DOI CHAANG 山。越南展示「THAI NGUYEN」茶、「DI LINH」咖啡、「PHU YEN」手工藝品等。

二、我國係以最早取得「產地證明標章」註冊之「池上米」代表參展, 池上鄉公所協調主要使用「池上米」證明標章的池上鄉農會、建 興碾米廠及陳協和碾米廠等3家廠商提供參展商品,以及英文的 產品介紹摺頁。我國代表並積極於展覽會現場向參與活動的代表 們介紹產品(我國提供的參展資料詳附件3)。

肆、心得及建議

一、心得

- (一)本次組團參加「一鄉鎮一品牌」國際研討會,在研討會議及展覽會中分別發表專題演講並展示產品,除達到與 APEC 經濟體分享我國利用品牌及智慧財產權工具促銷地方產品經驗與推動成效外,並增加國內特色農產品推向國際舞台的機會。
- (二)本次研討會涵蓋了相當廣泛的議題,除了由政府機關報告國內地方特產品牌行銷的智慧財產法律架構及成功案例外,也有產業界代表從企業經營者角度,分享品牌行銷的策略與經驗,最讓人印象深刻的,是國際非營利組織在協助開發中國家建立特色產品品牌,以取得更多出口收益所付出的努力與

成果,讓智慧財產不再只是已開發國家專屬的興利工具,開發中國家的農民與生產者也能藉品牌的建立與行銷獲利,這應該也是「一鄉鎮一品牌」精神真正的落實。

- (三)議程 8 的腦力激盪時間,我國被分配在 C 組,同組包括日本、香港、印尼、越南、祕魯、國際商標協會 (INTA) 及加拿大貿易促進辦公室代表,因為積極參與討論,不僅我們的建議被採納,會後 INTA 及加拿大貿易促進辦公室代表並前來致意,肯定我方提出的意見,深深感覺,在國際場域,雖然我國的政治實體未必得到承認,但只要表現出專業,對議題的討論有所貢獻,自然可以使我們的國家被看見而且得到重視。因此,於會前認真準備,在會議中積極參與,表現專業與熱誠,應該是與會代表責無旁貸的義務與責任。
- (四)本次研討會的7個報告議程中,韓國發表了5個報告,其中包括「設計首爾品牌(Design Seoul Brand)」,這個題目乍看與「一鄉鎮一品牌」的概念(地方特產品牌行銷)頗有距離,但從「一鄉鎮一品牌」的文意上,勉強可以說有所關連,不禁佩服韓國行銷首爾的用心²。其實國家、城市品牌行銷已經不是新聞(例如100% Pure New Zealand),如何將我們的國家、鄉鎮都市、特色產品以及旅遊景點推向世界,韓國的積極態度值得借鏡。

二、建議

(一)本次研討會,大多數的講者能以流利英文發表報告,會議場域也是資訊交換,建立與其他機關、組織機構溝通橋樑的絕 佳場合,建議同仁除持續加強英文聽、說能力外,亦積極培

²「設計首爾品牌」不僅涵蓋市內建築物等硬體設計,例如預計於 2011 年完工的東大門設計廣場(Dongdaemun Design Plaza),據稱將作為世界性的地標及世界設計工業的中心,也藉由 10 個代表顏色—「首爾顏色(Seoul Colors)」,與 2 種「首爾字體(Seoul Typefaces)」(公有設施,包括:路標、公共建築物、公有車輛等標示之文字均統一使用該等字體),以表現一致的首爾風格。

養英文簡報能力。

(二)參與此次研討會,發現與會的開發中國家均將地方特產的品牌行銷作為推動地方經濟的利器,除制定相關商標法或特別法令外,亦積極進行智慧財產權的教育,建立地方生產者的品牌概念,並協助地方生產者建立品牌,讓生產者得以自生產活動取得合理利潤,從而推動地方經濟發展。我國有品質優良的農產品,智慧財產權保護的相關法制規定也已齊備,建議本局繼續與農委會合作,在地方推廣證明標章與團體商標的觀念,並協助符合條件的著名地方農產品取得證明標章或團體商標的註冊保護,以提升產品獲利,改善農民生活與農村經濟。



圖 1. APEC/一鄉鎮一品牌研討會會場。



圖 2. 農糧署陳技正博惠於「一鄉鎮一品牌」研討會進行專題報告。



圖 3. 池上米證明標章展示及試吃。





圖 4-1、4-2 展覽會情形。

伍、附件

- 附件1、APEC/一鄉鎮一品牌研討會活動議程。
- 附件 2、「台灣農產品著名產地名稱保護—產地證明標章及產地團體 商標之推動情形」報告 (中英文)。
- 附件 3、APEC/一鄉鎮一品牌展覽會,我國提供主辦大會參展產品之 資訊。

Day 1 - Wednesday, June 23, 2010 09:00 - 09:30 **Registration** 09:30 - 10:30 **Opening Session** Welcome Remarks Soowon Lee / Commissioner, Korean Intellectual Property Office Yoon-dae Euh / Chairman, Presidential Council on National Branding, Korea **Keynote Speeches** Jorge Amigo / Convenor of the APEC **Intellectual Property Rights** Experts' Group Binying Wang / Deputy Director General, World Intellectual Property Organization (WIPO) 10:30 - 11:00 **Coffee Break** 11:00 - 12:30 Session 1 : Effective Branding and its Contribution to Local **Economic Development** Moderator Seung Hun Chun / President, Korea Institute for Development Strategy **Speakers** Choong-Min Han / Professor, International Business &Marketing School of Business, Hanyang University, Korea Charles A. Schwartz / Senior Commercial Law Reform Advisor, USAID Leslie Hendricks / President, Technological University of Cancun, Mexico 12:30 - 14:00 Luncheon Hosted by Won Jung Kim 14:00 - 15:30 Session 2 : Comparative Outline of IPR Tools: Trademarks, Certification Marks, Collective Marks, Geographical **Indications Moderator** Binying Wang / Deputy Director General, World Intellectual Property Organization (WIPO) Marion Heathcote / International Trademark Association **Speakers** (INTA) Aitor Pomares / External Counsel, Organization for International Geographical Indications Network (oriGIn) Jeeyoun Shin / Associate Research Fellow, Korea Institute

of Intellectual Property

15:30 - 16:00 **Coffee Break**

16:00 - 18:00 Session 3 : Case Studies of APEC Economies on Branding for Local Products

Moderator Jorge Amigo / Director General, Mexican Institute of Industrial Property

Speakers Wicha Promyong / President, Doi Chaang Fresh Roasted

Coffee Company, Thailand

Mauricio Gonzales / Head of Technical Cooperation and International Affairs, National Institute for the Defense of Competition and Protection of Intellectual Property,

Allan Gepty / Deputy Director General, Intellectual Property Office, Philippines

Encarnacion N. Raralio / Adviser, Special Projects, Philippine Women's University, Philippines

Wenhui Huang / Deputy Director, Trademark Office, State Administration for Industry and Commerce, China

Hyo Jin Kang / Deputy Director, Seoul Design

Headquarters, Seoul Metropolitan Government, Korea

18:30 - 20:00 **Welcome Dinner** Hosted by Soowon Lee

Day 2 - Thursday, June 24, 2010

09:00 - 10:15 Session 4 : Methodologies of Developing and Implementing Brand Strategies for Local Products

Moderator Won-Kil Yoon / Director of International Trademark Examination Division, Korean Intellectual Property

Office

Speakers Ron Layton / CEO, Light Years IP

Kenneth Ka Ho LAW / Marketing Manager, Vegetable

Marketing Organization, Hong Kong, China

Hin Wai YIP / Assistant Manager, Fish Marketing

Organization, Hong Kong, China

Jeffrey Neilson / Lecturer, School of Geosciences,

University of Sydney

10:15 - 10:30 **Coffee Break**

10:30 - 11:30 Session 5 : Industry Perspective: Branding Needs and Concerns

Moderator Seong-joon Park / Director of International Application Division, Korean Intellectual Property Office

Panelists Nguyen Thi Anh Hong / Director, Center for Tea Market Research and Development, Vietnam Tea Association Marianella Raygada / R&D Manager, Manka - Gourmet Products, Chile Ishak Basiran / Managing Director, Desaku Trading, Malaysia
Yoo-Jin Han / Professor, School of Global Service, Sookmyung Women's University, Korea

11:30 - 12:45 Session 6 : Supportive Framework for Branding and the Use of IPRs for Local Products

Moderator Dorothy Tembo / Executive Director, Enhanced Integrated Framework, WTO

Speakers Sunao Sato / Senior Trademark Examiner, Japan Patent Office

Po-Huei Chen / Specialist, Agriculture & Food Agency, Chinese Taipei

Violeta Arellano / Sub-coordinator of Fonart Chiapas Team, The National Fund for the Development of Arts and Crafts, Mexico

Panelists Shinta Damerys Sirait / Member of Indonesian Expert
Team of Geographical Indication, Directorate of
Intellectual Property Rights, Malaysia
Anis Sharmin Mohd. Sharif / Senior Manager, Business
Development Division, SME Corp., Malaysia

12:45 - 14:00 **Luncheon**

14:00 - 17:35 **Study Visit** Design Seoul City Tour

Day 3 - Friday, June 25, 2010

09:00 - 10:20 Session 7 : International Development Assistance in the Use of Intellectual Property

Moderator Biplove Choudhary / Policy Adviser, Asia Pacific Trade and Investment Initiative, UNDP

Speakers Francesca Toso / Project Manager, Cooperation for Development Sector, WIPO

H. Cyry Kim / Director of Multiletonal Affairs Division

Il Gyu Kim / Director of Multilateral Affairs Division, Korean Intellectual Property Office

Kathleen Holland / Senior Associate, Trade Facilitation Office Canada Dorothy Tembo / Executive Director, Enhanced Integrated Framework, WTO 10:20 - 10:30 **Coffee Break**

10:30 - 12:20 Session 8 : APEC Cooperation for the Branding of Local

Products in Developing Economies Group Discussion:

Developing Ideas

Advisers (Group A) Ron Layton / CEO, Light Years IP

(Group B) Thitinuntana Tonsrisakul / Senior Trade Officer, Department of Intellectual Property, Thailand

(Group C) Mi Chung Ahn / Patent Attorney, Eruum Patent Law Firm, Korea

Roundtable: Sharing Ideas

Moderator Mi Chung Ahn / Patent Attorney, Eruum Patent Law Firm, Korea

12:20 - 12:40 **Closing Ceremony**

[Exhibition]

There will be an exhibition of well-branded local products of member economies to show how branding and intellectual property can be used to promote local products.

Date: June 23(Wed) 09:00-18:00

June 24(Thu) 09:00-14:00

June 25(Fri) 09:00-13:00

Venue: Foyer of Cosmos Hall (3F)

[Design Seoul City Tour]

Experience how the city preserved the natural characteristics and cultural background of the urban environment through 'Design Seoul' projects

Date: June 24(Thu) 14:00 – 17:30

Course: Dongdaemun Design Plaza & Park – Bukchon atelier gil – Gyeongbokgung – Gwanghwamun Square

台灣農產品著名產地名稱保護 一產地證明標章及產地團體商標之推動情形李紅曦¹ 陳博惠² 董延茜³

- 1 農委會
- 2 農委會農糧署
- 3 智慧財產局

一、前言

台灣農業科技精良,農產品品質優異,部分著名產地具國際知名度,惟著名農產品過去少有以註冊商標或標章加以保護及行銷的情形。我國 91 年加入世界貿易組織後,因應國際地理標示發展趨勢,經濟部智慧財產局(以下簡稱智慧局)及行政院農業委員會(以下簡稱農委會) 乃於 93 年開始積極倡議地理標示的概念及以產地證明標章加以保護的作法。

由於發生著名產地名稱被搶註或冒用的情形,且市場開放後進口 農產品充斥市面,消費者關切食品衛生安全問題,促使農業界開始正 視以註冊標章保護產地名稱的重要性及效益,形成農產品著名產地名 稱尋求標章註冊的趨勢。

二、著名產地名稱保護方式

我國農產品著名產地名稱得依商標法申請註冊為證明標章或團體商標。相關申請及審查規範可參照 96 年智慧局訂定之「證明標章、團體商標及團體標章審查基準」。

產地證明標章係用以證明他人產品來自特定地理區域,並具有一定的品質、聲譽或其他特性,故申請人以具有證明他人商品或服務能

力之法人、團體或政府機關為限,凡符合標章權人於使用規範所訂之條件者,皆得要求使用該標章。

產地團體商標係由具有法人資格之公會、協會或其他團體申請取得註冊,提供予其團體會員使用於商品或服務,表示其商品或服務來自於該特定地理區域團體之會員,具有特定之品質、聲譽或其他特性,並藉以與其他非該團體會員之商品或服務相區別。

農會為我國地方農業主要推動團體,並從事農產品銷售活動,依證明標章申請人不得從事於欲證明商品或服務業務之規定,農會無法作為產地證明標章之申請人,故農會對於農產品著名產地係透過註冊產地團體商標給予保護。

三、著名產地名稱保護推動措施及實績

(一) 推動措施

「池上米」於 92 年取得證明標章註冊,為我國第一個取得註冊之產地證明標章。其後,我國在著名產地名稱保護之主要推動措施略述於后:

1. 倡議著名產地取得產地標章註冊之重要性

農委會自 93 年即於智慧局協助下,開始於相關智慧財產研討會中介紹產地證明標章或產地團體商標,並宣導其重要性。

2. 研議應輔導註冊案

由農委會、智慧局及各縣市政府擬具著名農產品產地名稱 96 項,經依產出經濟效益、執行單位意願與執行能力、商標審查實務等因素評估後,篩選出建議註冊名單 34 項,再經研商確認優先輔導項目,包括:阿里山茶、鹿谷茶、杉林溪茶、文山包種茶、西螺米、澎湖水產等,由農委會積極

輔導適切團體或地方政府申請註冊。

3. 強化地方政府、產地團體及農民之教育訓練

由於未善用註冊標章保護產地名稱最主要原因係不了解知識經濟時代智慧財產權新工具,故推動之第一步應由建立概念著手。故農委會自 95 年起每年針對地方政府及農民團體開辦產地證明標章及產地團體商標等專班 3 梯次以上,邀請智慧局及取得產地註冊標章經驗之單位講授,深入各地方鄉鎮或農特產品產地進行宣導並協助相關申請事宜。

(二)推動實績

近年來在農委會、智慧局及相關縣市政府及團體等積極協調 與努力下,我國推動農產品著名產地名稱保護之主要實績分述如 下:

1.註冊案之輔導

目前我國共核准 17 件產地證明標章註冊,涵蓋國內外 15 個產地,其中 10 個為我國著名農產地,分別為:池上米、西螺濁水米、鹿谷凍頂烏龍茶、嘉義縣阿里山高山茶、文山包種茶、杉林溪茶、竹山甘藷、高雄岡山羊肉、澎湖優鮮水產及澎湖西衛手作麵線,另有 3 件正在審查中(詳如附表 1)。獲准註冊之產地團體商標則有 13 件,涵蓋國內外 12 個產地,其中 10 個是國內著名農產地,分別是:金門酒糟牛肉、苗栗三灣梨、桃園拉拉山水蜜桃、關廟鳳梨、鶴岡文旦、瑞穗天鶴茶、麻豆文旦、古坑咖啡、斗六文旦及玉井芒果,另有 9 個農產品著名產地的申請案正在審查中(詳如附表 2)。

分析國內農產品著名產地的註冊案(共20個),除池上 米外,均自95年起陸續獲准,並以近3年(97~99年)居多 (16個),佔80%,顯示積極推廣著名產地申請標章保護之成效。

有關輔導於其他亞太經濟合作會議經濟體註冊部分,99 年3月28日「池上米」取得中國地理標誌證明商標註冊, 未來該產品進軍中國市場將獲得保障。

2. 加強國際合作

為提升商標審查品質與效率,98年我國與日本正式開始 交換地理名稱清單,並得依需要更新清單資料。雙方將清單 中之地理名稱鍵入商標檢索系統作為審查參考,因清單中包 含著名產地,故此舉有助於著名產地名稱之保護。

四、著名產地取得標章註冊效益-以「池上米」為例

我國最早取得證明標章保護之著名農產品產地為「池上米」,由臺東縣池上鄉公所申請,於92年12月1日取得「產地證明標章」註冊,以證明「米」係產自台東縣池上鄉,且其品質符合證明標章權人訂定之「池上米良質米標誌規範」標準。有關「池上米」證明標章推動前後之效益分析如下:

(一)取得證明標章註冊前面臨的問題

池上鄉南北河川環繞,溪水終年不斷,溪水帶來自中央山脈沖刷下來豐富的有機質,使農地土壤肥沃,而當地日夜溫差大,濕度小的氣候,沒有任何工業廢水、重金屬及空氣污染,加上該鄉農民的辛勤努力以及精進的栽培技術,因此生產出來的稻米品質優良,在取得證明標章註冊前,池上米更曾榮獲 90 及 91 年度花東縱谷區稻米品質競賽首獎,因此在市場上已深具知名度。根據池上鄉公所的調查,當時在市面上仿冒「池上米」的品牌多達近百種,因為市場上充斥著仿冒或以劣米混充為「池上米」品牌,消費者無從辨識,因此降低購買意願,也打

擊該鄉稻米的信譽,而池上鄉內的農民所生產的優質稻米也因無法證明其確實產自池上,稻農無法得到合理收益。

(二)取得證明標章註冊後的效益

池上米證明標章註冊後,對於產品提供四大保證,包括:

- 1. 產地保證:每一包池上米皆產自池上鄉行政區域;
- 2. 安全保障:每一筆土地所生產的稻穀在收穫前皆通過農藥殘 留檢測合格;
- 3. 品質保證:每一包池上米皆符合 CNS 國家標準及食味值達 65 分以上;
- 4. 總量管制:依據標章的編號及數量控管標章核發量,低於池上米總生產量。

由於標章權人積極行使權利,打擊仿冒,並透過證明標章保 證品質及產地的功能,使消費者得以辨識真正的池上米,提高其 購買意願。分析池上米證明標章註冊後之主要效益為:

- 1. 杜絕仿冒保障權益: 杜絕全台仿冒盛況曾高達近百種造成市 場混亂之現象,保障消費者購得真正商品;
- 2. 提高農民收益:稻穀收購價以往1公斤約16.7元,目前約27.5元,扣除成本費用,收益成長1倍以上;
- 3. 促進產品品質提昇:農民為爭取較高穀價,配合各家米廠制 定之品質量價標準要求,故稻米品質得以提昇;
- 4. 增加地方政府財源:鄉公所自 94 年至今計核發 465 萬張標 籤,一張約 2 元,標章收入即達 930 萬元;
- 5. 帶動農村經濟發展觀光:由於農民收益倍增,故農耕人口提高、休耕面積降低、土地價格提昇,並因保留特色致得發展

在地觀光產業;

6. 傳承地方產業文化:池上鄉居民生計得續以稻作為主,池上 便當文化得以持續遠近馳名。

五、結語

我國農產品著名產地通過產地證明標章或產地團體商標註冊,具有提昇產品價值與形象、開拓國內外市場知名度與商機、維護生產者與消費者權益、促進經濟與產業發展及提高國際保護力度與商譽等功能與意義,係屬於該地理範圍內所有利益關係人的共同無形資產,不僅有助於農民經濟改善,伴隨旅遊業之推廣,可增加就業人口,改善人口外移問題,維持農村永續發展。

我國推動農產品著名產地名稱尋求產地證明標章或產地團體商標註冊保護已有6年的時間,相關效益已逐漸顯現,惟仍有許多夙富盛名之產地名稱,具有經濟價值之發展潛力,未來將持續推動地方特色產品發展,並推廣著名產地名稱取得產地證明標章或產地團體商標註冊保護觀念,使著名產地名稱得以發揮最大的經濟效益。

參考文獻

- 1.李紅曦、李國基、連忠勇,2009,台灣農產品產地標章制度推動現況,農政與農情,第 201 期。
- 2.證明標章、團體商標及團體標章審查基準,1997,於2010/05/25 取自

http://www.tipo.gov.tw/ch/AllInOne_Show.aspx?guid<u>=1452c587-a46a-4cbc-a892-2236ad092472&lang=zh-tw&path=710</u>

Well-known Geographical Names of Agricultural Products Protection in Chinese Taipei

— Geographical Certification Marks and Geographical Collective Trademarks Approach

Hung-Hsi Lee ¹, Po-Huei Chen ², and Yen-Chien Tung ³

I. Introduction

Chinese Taipei has excellent agricultural technology and high quality agricultural products. Many well-known geographical names of agricultural products are recognized internationally. In the past, most agricultural products originated in well-known geographical territories neither pursued the protection of registered trademarks or other marks nor being marketed under those marks. After we joined the WTO, the Intellectual Property Office (TIPO) and the Council of Agriculture (COA) began to actively promote the concept of geographical indications (GIs) and approach to GI protection in 2004 to be in line with the GI international development.

Some well-known geographical names of agricultural products were registered in other economies by unauthorized persons. Well-known geographical names were deceptively used on goods originating in geographical areas other than the true place of origin. And consumers concerned the food safety issue more seriously as imported agricultural

¹ Council of Agriculture

² Agriculture and Food Agency, Council of Agriculture

³ Intellectual Property Office

products flooding on the market after market opening. In consequence local farmers began to realize the importance and benefit of well-known geographical names protection. More and more geographical certification marks and geographical collective trademarks applications are filed to protect the well-known geographical names of agricultural products.

II. The approach to well-known geographical names of agricultural products protection in Chinese Taipei

A well-known geographical name of products can be protected as a certification mark or a collective trademark under the Trademark Act. The applications and examination of those marks are specified in the "Examination Guidelines on Certification Marks, Collective Trademarks, and Collective Membership Marks", which was promulgated by TIPO and took effect in 2007.

According to the examination guideline, a geographical certification mark is a mark to certify that another person's goods or services coming from a particular geographical region, and the certified goods or services shall have a given quality, reputation, or other characteristics. The applicant is limited to a juristic person, an organization, or a government agency which is capable of certifying another person's goods or services. Any person whose goods or services comply with the conditions specified in the "regulations governing use of the mark" may request to use the said mark.

A business association, society or any other group that exists as a juristic person and is a collective entity consisting of members can apply for geographical collective trademark application. The mark is used by the members of a collective group incorporated within the defined geographical region to denote the source of goods or services they offer.

And the goods have a given quality, reputation, or other characteristics. The mark is capable of distinguishing members' goods or services from those of non-members.

According to the Trademark Act, certification mark applicants may not engage in business in connection with the goods to be certified. Farmers' associations, which are the most important group to promote local agricultural affairs and engage in agricultural products selling activities, cannot apply for certification mark registration. As a result, farmers' associations pursue well-known geographical names of agricultural products protection by way of collective trademarks registration.

III. The promotion and achievements of well-known geographical names of agricultural products protection in Chinese Taipei

a. Promotion measures

The first geographical certification mark was "Chihshang Rice," which was registered by the Chihshang Township Office in Taitung County immediately after the Trademark Act was revised in 2003 to include place of origin within certification marks' protection scope. Afterwards, the main promoting measures of well-known geographical names of agricultural products protection are as follows:

1. Initiating the importance of well-known agricultural names of agricultural products being registered as geographical certification marks or geographical collective trademarks

With the assistance of TIPO, the COA began introducing geographical certification marks and geographical collective trademarks at intellectual property related seminars in 2004, and communicated their importance to the participants.

2. Deciding the list of well-known geographical names with registration priority

Firstly, the COA, TIPO, and all local governments cooperated to draw up a list of 96 well-known geographical names of agricultural products. After assessing the economic benefits, the willingness and implementation ability of local governments and promoting groups, and trademark examination practice, 34 of them were recommended to be filed for registration. And the list of priority was decided in the follow-up meetings. The items with first priority includes: Alishan tea, Lugu tea, Shanlinhsi tea, Wenshan Pouchong tea, Siluo rice, and Penghu seafood. The COA actively assists local governments or appropriate groups to apply for registration.

3. Providing training courses to local governments, local producing groups, and farmers

Since the main reason for the certification marks or collective trademark registration not being taken good use is the importance of intellectual property rights in the knowledge economy age not being acknowledged. The very first step to promote those marks registration is to help interested party grasp the related knowledge. The COA has therefore held more than three training workshops on geographical certification marks and geographical collective trademarks annually for local governments and farmers' groups since 2006, and has invited TIPO and mark owners with application experience to give lectures on the subject. These workshops were held in local areas and agricultural products' places of origin to assist applicants with application-related matters.

b. Achievements

In recent years, under the active cooperation among the COA, TIPO, related local governments, groups and organizations, the following accomplishments have been achieved:

1. Assistance in mark registration

Currently seventeen geographical certification marks are registered in Chinese Taipei, which covers fifteen geographical origins and ten of which are domestic geographical origins: Chihshang Rice, Siluo Chuoshui Rice, Lugu Tungting Oolong Tea, Chiayi County Alishan High Mountain Tea, Wenshan Pouchong Tea, Shanlinhsi Tea, Jhushan Sweet Potatoes, Kaohsiung Gangshan Goat Meat, Penghu Fresh Seafood, and Penghu Hsiwei Hand-made Thin Noodles. And there are three pending applications of domestic geographical origins. There are also thirteen geographical origins registered as geographical collective trademarks, which covers twelve geographical origins, ten of which are domestic geographical origins: Kinmen Wine Beef, Sanwan Pear, Lalashan Peach, Guanmiao Pineapple, Hegang Pomelo, Madou Pomelo, Rueisuei Tianhe Tea, Gukeng Coffee, Douliou Pomelo, and Yujing Mengo. And there are nine well-known domestic geographical origins under examination.

Analysis of the foregoing registration cases of domestic geographical origins reveals that, apart from Chihshang Rice, applications for mark registration were approved from 2006. 80% of the said marks were registered in the recent three years (i.e. 2008 to 2010). And this is the achievement of promoting mark registration.

As to assistance farmers' groups in pursuing mark registration in other APEC economies, Chihshang Rice was registered as a geographical certification mark in China on March 28, 2010. In the future, more

products exported to the Chinese market will be protected.

2. International cooperation

To enhance trademark examination quality and efficiency, Chinese Taipei began exchanging geographical name lists with Japan in 2009. The lists can be updated as needed. The list is kept in a database serving as a reference for trademark examination. Well-known geographical names of agricultural products are included in the list, so the list exchange benefits to the protection of well-known geographical names of agricultural products.

IV. Benefits of getting mark registration –Chihshang Rice as an example

Chihshang Rice is the very first geographical certification mark to protect the well-known geographical name of agricultural products. The application was made by the Chihshang Township Office in Taitung County, and the geographical certification mark was registered on December 1, 2003. The mark is used to certify that the certified rice originated from Chihshang Township, Taichung County, and its quality meets "regulations of high-quality Chihshang Rice mark" promulgated by the mark owner. The benefit of the Chihshang Rice certification mark registration is analyzed as follows:

a. The problems occurred before registration

Chihshang Township is encircled by rivers running north and south, and the river water is abundant year-round. Plentiful organic substances washed out of the Central Mountain Range and brought by the rivers ensure the fertile soil. Thanks to the rich soil, large scale of day-night temperature difference, low humidity, no industrial pollution, and local

farmers' hard working and their advanced farming technology, high-quality rice is produced in this area. Before Chihshang Rice got certification mark registration, Chihshang rice had already been awarded first place in the 2001 and 2002 East Rift Valley Rice Quality Competitions, and it was very well-known on the market. According to an investigation conducted by the Chihshang Township Office, there were about one hundred kinds of counterfeit Chihshang rice on the market. At that time the market was flooded with counterfeit Chihshang rice, there was no way to identify genuine Chihshang rice, which made customers less willing to purchase Chihshang rice, and harmed its reputation. On the other hand, superior rice produced in Chihshang Township had no means to prove their origin. Farmers could not earn reasonable profit from rice growing.

b. The benefit of getting certification mark registration

The Chihshang Rice geographical certification mark provides four guarantees, namely:

- 1. Place of origin guarantee: every bag of Chihshang rice comes from Chihshang Township;
- 2. Safety guarantee: rice produced on every plot of land must pass pesticide residue testing before harvest;
- 3. Quality guarantee: every bag of Chihshang rice must comply with CNS national standards and have a palatability value of at least 65 points; and
- 4. Total quantity control guarantee: mark number and control of the number of marks issued ensure that Chihshang rice on the market is less than the total amount produced.

After Chihshang Rice got certification mark registration, mark owner actively claimed his right to the certification mark to attack on counterfeit rice, and the counterfeit problem was finally solved. Through the quality and origin guarantee function of Chihshang Rice certification mark, the true Chihshang rice is distinguished from rice with other origin. Consumers are willing to buy more Chihshang rice and even pay higher price. And in consequence, farmers earn a profit on using the certification mark. The benefit of adopting the Chihshang Rice certification mark is as follows:

- 1. Protecting farmers' legitimate interests by eliminating counterfeiting: by attacking counterfeiting, the chaos of fake Chihshang rice flooding on the market does not exist anymore. The registration of Chihshang Rice brought back the order of the market. And the mark guarantees genuine Chihshang rice to consumers;
- 2. Increasing Farmers' incomes: the average purchase price per kg of paddy rice has risen from NT\$16.7 to around NT\$27.5. After subtracting costs, farmers' profit has more than doubled;
- 3. Quality of rice improved: in order to sell rice of high price, farmers try their best to produce rice meeting the quality standards set by rice husking mills. In consequence, the quality of local rice is raised;
- 4. Increasing local government revenue: since 2005, The Chihshang Township Office has issued 4.65 million labels at a price of NT\$2 per label, which generated more than NT\$9.3 million revenue for the township;
- 5. Stimulating rural economy and tourism development: because of farmers' incomes increasing, more population participate in agricultural activities, less land lies fallow, and arable land's price

- goes up. The preservation of local features encourages local tourism development;
- 6. Sustaining the local industrial culture: the residents of Chihshang Township can continue to earn their livelihoods by rice culturing. The widespread fame of longstanding Chihshang lunch box culture is maintained.

V. Conclusions

Via geographical certification marks and geographical collective trademarks registration, the value and image of agricultural products originating from well-known geographical areas are enhanced, products' domestic and foreign market recognition and market access opportunities are raised, producers' and consumers' rights and interests are protected, local economy and industrial development are improved, the foundation of being protected internationally is established, and products' goodwill is well protected. A geographical certification mark or a geographical collective trademark is a collective intangible asset of all stakeholders within a certain geographical area. It benefits rural economy improvement. In conjunction with local tourism promotion, the employed population is increased, the rural residents' out-migration problem is better solved, and the rural community development is sustainable.

Chinese Taipei has encouraged well-known geographical names of agricultural products registered as geographical certification marks or geographical collective trademarks for six years, and the benefit is gradually appearing. There are still many well-known geographical names of agricultural products with economy development potential. Chinese Taipei will continue promoting the development of products with local features as well as their registration of geographical certification

marks or geographical collective trademarks to protect the well-known geographical names. We believe our effort will ensure that the maximum economic benefit is obtained in the future.

References

- 1. Lee, H. H., C. C. Lee, and J. Y. Lain. 2009. "Promoting GI for Agricultural Products in Chinese Taipei." *Agriculture Policy & Review*, 201:62-67.
- 2. "Examination Guidelines on Certification Marks, Collective Trademarks, and Collective Membership Marks" http://www.tipo.gov.tw/ch/AllInOne_Show.aspx?guid=1452c587-a46a-4cbc-a892-2236ad092472&lang=zh-tw&path=710.

Exhibition Description Form

Company/Organization	Chihshang Township Office			
Department	Agricultural Tourism Section			
Address	No.101, Jhongshan Rd., Chihshang Township			
City	Taitung County	State	State	
Postal Code	95841	APEC Econ	nomy	Chinese Taipei
Website	http://www.cs.gov.tw/			
Contact Person's Information				
Title	□Dr. □Prof. ■Mr. □Ms. □Other			
Name	Chi-HSUING, Kao			
Position	Section Chief	Department	Agricultural Tourism Section	
Tel.	+886-2-089-862041 ex.114	Fax	+886-2-089-864705	
E-mail	a39@mail.cs.gov.tw			

> Brand Name: Chihshang Rice

> Product Name: Rice

> Association/Organization/Company: Chihshang Township Office

➤ Name of the representative: Wen-Tang, Lin

> Weight: 1kg / 1.5kg / 1.5kg x 2 / 2kg

> Features:

The products are certified by the Chihshang Township Office – the owner of Chihshang Rice certification mark. Their quality, place of origin, and food safety are guaranteed.

Picture 1



Product description 1 <50 words>

Thanks to abundant river water, rich soil, large day-night temperature difference, low humidity, no industrial pollution, farmers' advanced technology and hard working, high-quality rice is produced in Chihshang Township. Producers are farmers growing rice in the area and the owners of rice husking mills husking rice originates in the area.

Picture 2



Product description 2 < 50 words>

"Chih shang" is the name of the geographical area where the product is produced, and "Rice" is the name of the product. Chih shang Township Office is the certification mark owner. Chih Tan Origin Development Association was involved in the development of the certification mark.

Picture 3







Product description 3 < 50 words>

The average purchase price per kg of paddy rice has risen from NT\$18.33 in 2003 to around NT\$27.5 in 2010. The income increase of rice production in Chihshang Township for the said period of time is about NT\$110 million.