



Certification Marks as Geographic Indications for American Specialty Agriculture Products

*The French refer to the connection between a food's place of production and its taste as *gout de terroir* or "taste of place." Wine and food products that epitomize this quality are given special labels that certify their origin. In Europe, Champagne wine and Roquefort cheese are examples of products that can command higher prices due to the perception that the characteristics of the place in which they are produced are reflected in the products labeled with these names. The French have an administrative system in place that allows these types of product names to be registered as Appellations d'origine contrôlée (AOC). This designation adds value to these products in consumers' minds by acting as an indicator of the geographic origin of the product, the producers of the product, the methods of production, and — by implication — the quality of the product.*

The United States has a variety of mechanisms to protect designations of origin for American products. For example, at the federal level, "Vidalia" for onions, "Idaho" for potatoes, and "Florida" for citrus are protected as U.S. certification marks. In fact, the owners of these marks are the state entities that control the production of the products and those who can use the certification mark via state regulations. However, the owner of a certification mark does not have to be a governmental body; it can be a private association or collective of growers.

The U.S. Trademark Act of 1946 defines a certification mark as "any word, name, symbol, device, or any combination, used, or intended to be used, in commerce with the owner's permission by someone other than its owner, to certify regional or other geographic origin, material, mode of manufacture, quality, accuracy, or other characteristics of someone's goods or services..." In other words, a growers association, buyer, processor, governmental body, or trade group can own the certification mark and set the quality standards, geographic origin, and other factors, and be responsible for policing it. Having this third-party certification keeps lower quality imitations from entering the market. www.uspto.gov/web/offices/dcom/olia/globalip/gi_protection.htm.