



**DEVELOPMENT OF STRATEGIES AND BEST  
PRACTICES FOR THE DEVELOPMENT OF  
GEOGRAPHICAL INDICATIONS (GIS)/ORIGIN  
LINKED PRODUCTS (OLPS) FOR SELECT  
PRODUCTS IN CARIFORUM COUNTRIES:**

**THE JAMAICA JERK PRODUCERS' ASSOCIATION**

**TECHNICAL EXPERTS: DR. WENDY HOLLINGSWORTH &  
MS ERICA SMITH**

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## 1.0 INTRODUCTION

Intellectual property rights (IPRs) are the legal protection offered to various forms of intangible assets and are recognised as key business assets of increasing importance to companies. These rights are granted by law for creations of the mind. They include what are known as industrial property rights, which are patents for technical inventions and trademarks which grant rights to the owners of signs, logos, names etc. which are used in commerce to identify their goods and services and distinguish them from those of competitors. Industrial property rights also include industrial designs which protect the appearance of products and geographical indications (GIs) which concern the protection of goods and services which have attained value in the market place due to their unique characteristics due to their territorial origin, Origin-linked Products (OLPs). Other than industrial property rights IPRs also include copyright, which protects literary and artistic works.

IPRs form the basis of brand development and competitive positioning in the marketplace. Their importance is based on the fact that while traditional assets such as land and capital are still very influential for attaining competitive advantages, changing technologies and many of the costs and other constraints previously confronted by businesses have diminished. The ability to compete is now increasingly based on the ability to generate value-added features which help to distinguish goods, services and intangible assets through the use of human capital and knowledge, creativity and innovation. The outputs of creativity and innovation mean that access to and ownership of IPRs and the ability to effectively commercialise and enforce these rights are now more than ever the foundation of competitiveness.

In spite of the above, businesses in the Caribbean have been slow to appreciate and employ IPRs as strategic tools to develop their brands and this is thought to reflect the fact that, on the one hand, regional governments, although party to many of the key international treaties, do not have the capacity to facilitate the necessary enforcement of IPRs. On the other hand, businesses still consider IPRs as little more than costs which should be avoided; they find the registration process difficult and many simply do not understand how IPRs can be effectively used.

As part of its ongoing strategy to increase the awareness and use of IPRs, the Caribbean Export Development Agency (CEDA) has commissioned the development of a case study with a specific focus on the use GIs. In terms of areas where the region can compete, the offer of branded niche, origin-linked products are considered one of the most promising in light of the growing interest of consumers in these types of products which they associate with authenticity, culture and quality. This case study presents the experience of the Jamaica Jerk Producers' Association (JJPA) which has the distinction of being the first producer group in the Caribbean to achieve a GI registration. It aims to provide an understanding of what a GI is, the various strategies which can be used to protect a GI, the process of registering and managing a GI and the reasons why the registration of a GI is considered to be important to the future development of Jamaica Jerk as a global brand.

## 2. THE PRACTICAL ASPECTS OF THE GI APPLICATION PROCESS – THE EXPERIENCE OF THE JAMAICA JERK PRODUCERS’ ASSOCIATION

This section presents the case study.

**Company Name:** Jamaica Jerk Producer’s Association Limited  
**Legal Status:** Incorporated  
**Sector:** Agriculture/Agro-processing  
**Address:** 10 North Avenue, Kingston 10 Jamaica  
**Email :** [jerkjamaica@gmail.com](mailto:jerkjamaica@gmail.com)

### 2.1 Jamaica Jerk Sector

‘Jerk’ is a method of seasoning and cooking meat in Jamaica which is engrained in the culture. This method of cooking originated with the Tainos (the original inhabitants of Jamaica) and was later adopted by the Jamaican Maroons who were escaped plantation slaves living in the mountainous regions of Jamaica. To avoid being detected, the Maroons would hunt wild hog, season it with a mix of seasonings called ‘jerk’ which acted as a preservative, and slow cook the meat underground in a pit filled with green wood from the pimento tree. This method of cooking underground allowed the location of the Maroons to go undetected as there would be no evidence of smoke to reveal their hideouts.

Traditionally, Jerk seasoning contains pimento, scotch bonnet pepper, ginger, scallion, thyme, salt and garlic all of which are grown in Jamaica. The distinctive taste of meat produced using the Jerk technique has become synonymous with Jamaica and is very popular internationally. What has evolved over the years have been several imitation seasonings and sauces which in no way reflect the unique character of true Jamaica Jerk.

The Jamaica Jerk industry exports an estimated 666,667 cases of processed Jerk seasoning and sauce product valued at US\$15M annually. The sector supports approximately 16,000 Jamaican farmers of which about 3,000 are women. To date Jamaica Jerk products are distributed in several markets including regional markets as well as in Switzerland, the Netherlands, The United Kingdom and the United States of America.

To stop existing and future counterfeit products from free riding on the excellent reputation and perception consumers have of Jerk products originating from Jamaica; a number of Jerk producers came together to seek protection for ‘Jamaica Jerk’ under the Jamaica Protection of Geographical Indications Act 2004 and its Regulations of 2009.



## 2.2 Steps Involved in the GI Registration and Management Process

Obtaining a GI for a product, process or service is never the ultimate goal, but rather, a step along the path for producers of a particular origin linked product to derive maximum value for their products in the market place through the use of the IP system. Establishing and maintaining an effective and efficient GI system is required for this objective to be achieved. The following are the basic steps taken by the JJPA to establish their GI system:

1. **Deciding on the Product/process:** Producers within a geographical region must recognize that the product they produce has unique properties due to conditions and/or know-how specific to that locality and that this situation can be exploited for them to obtain favourable and competitive advantage in the market place.
2. **Forming the Association:** Producers must also be willing to organize themselves to collectively act to take advantage of these potential benefits.
3. **Capacity Building:** The producer group formed must have the capacity to identify which IP tool to use and undertake appropriate training activities so they can make informed decisions in this regard.
4. **Application and Registration Process:** Making an application to the intellectual property office for the appropriate IP protection and eventual registration of the GI
5. **Licensing the use of the GI mark:** Producers within the designated geographical region must apply to the relevant authority, in this instance the Jamaica Intellectual Property Office (JIPO) to obtain a license to use the GI mark.
6. **Managing the GI system:** Developing and implementing an IP management system to achieve their overall objectives to maximise market value of their product through the use of the IP system.

In the case of products or processes that have a specific quality, reputation or other characteristic essentially attributable to its geographical origin, producers in that region generally opt for protection under a GI system providing the national legal system allows for such.

The following elaborates on the six steps outlined above which were taken by the JJPA in obtaining GI protection for Jerk seasonings and Jerk sauces.

### 2.2.1 STEP 1 Deciding on the Product/Process

In 2008 a Memorandum of Understanding was signed between the Government of Jamaica, through JIPO, and the Government of Switzerland, through the Swiss Federal Institute of Intellectual Property Office (IPI), to undertake the Geographical Indications Project Jamaica-Switzerland. The overall objectives of the cooperation were as follows:

- To contribute to the economic success of genuine Jamaica products
- To make a key contribution to the establishment of an efficient GI-system in Jamaica based on the level provided in the Trade Related Aspects of Intellectual Property Rights (TRIPS) Article 23 for all products
- To support the establishment of a legal system for GIs, including enforcement mechanism

- To build capacity of officials of the public sector
- To build capacity of representatives of producers' groups
- To enhance and build public awareness on GIs

Key for the JJPA was the recommendation coming out of that project that priority be given to three main products to advance through the national GI system namely, Jamaica Jerk, Blue Mountain coffee and Jamaica rum.

JIPO was pivotal in galvanising both the public and private sectors to participate in the project and as such were key in the initial stages of the JJPA coming together as an informal group to commence organising to make the application for a geographical indication for Jamaica Jerk.

The scenario outlined for producers of Jamaican Jerk products is one where the priority was determined largely by third parties with early buy-in from the producers. This is not always the case as very often producers themselves may become aware of the potential benefits which can be derived from using the IP system, inclusive of GIs, to market and promote their products; to obtain above market prices for their products and capture market share through linking their product to a specific quality associated with the geographic production area. From this general awareness producers may then seek to organise themselves to pool resources and collectively take appropriate action to realise these potential benefits.

### **2.2.2 STEP 2 Establishing a Producers' Group to Make an Application for a GI**

Jamaica's Protection of Geographical Indications Act, 2004 in Section 9 makes provision for the following persons to make an application to the Registrar, in the prescribed manner, for registration of a geographical indication:

- (a) Any producer, or group of producers, carrying out an activity in the geographical area specified in the application with respect to the goods so specified;
- (b) Any competent authority

Traditionally, an application for a GI is made by a collective group and elaborating the GI system including the specifications, code of practices and control manual requires participatory collective action by all interested in using the GI, especially in the initial stages prior to submission of the GI application. There is a critical role played by the various groups of value chain actors in adding value to, and promoting, traditional products of regional origin, therefore, it is essential that the process engages all stakeholders inclusive of small and large producers. A simple value chain assessment may be undertaken to determine key stakeholders who have a role to play in the production and distribution of the product. In the case of the JJPA such an analysis identified farmers, processors, retail entities and distribution channels both local and international.

The best-case scenario is one in which there is a pre-existing group to start the process as was the case of the Montserrat Cocoa Farmers' Cooperative Society Limited in Trinidad and Tobago. This cooperative was in existence prior to the producers seeking to apply for a GI. On the other hand, a formal group may not be in existence, but a few producers may see benefits to having a GI for their products. This was the case of the Jamaica Jerk Producer's Association (JJPA). Prior to producers expressing a desire to apply for a GI under national law, they were not organised as a group.

The process for establishing a producer's group for the initial purpose of obtaining a GI for Jerk Seasonings and Jerk Sauces started with about 4 producers who did the initial ground work. Among this group were two very passionate and dedicated producers who acted as champions and basically drove the process through to submitting the GI application to JIPO.

The structure for the group taking collective action regarding the GI can take many forms and can be an informal or formal grouping. Best practices obtained from an examination of other GI producer groups from within the region and internationally, shows a preference for a formal structure. The following may be considered:

- **A Cooperative structure:** an organisation owned and controlled by a collective group of users who are members of the cooperative and who share in its profits and benefits
- **An Association:** a group of individuals who have voluntarily come together for a specific purpose. The intent is that the body formed will have continuity and be sustainable. It can be formal, with rules and/or by-laws, and membership requirements. It may also be a collection of people without a formal structure.
- **A Consortium:** A partnership of two or more individuals, companies, organizations or governments; or any combination thereof that pool their resources and work together toward achieving a common goal. Each entity within the consortium is only responsible to the group in respect to the obligations that are set out in the consortium's agreement which addresses the rights and obligations amongst members of the consortium. Each entity under the consortium maintains their own independent legal identity in their normal business operations and therefore has no say over another member's operations that are not related to the consortium.
- **A marketing/ commodity board:** A marketing/commodity board can take several forms but most commonly can be defined (i) as an organization set up by a government to regulate the buying and selling of a certain commodity within a specified area and (ii) an organization created by a collective of producers linked to a specific commodity who have come together to work towards marketing and promotion of their goods and services and to increase consumption of their commodity and to obtain price premiums. Often their Boards also engage in the collection and dissemination of information on the industry, research and development and consumer activities
- **A local community (e.g. village):** group of interested parties within a specific locality who have come together to work towards a common goal. These generally tend to have an informal structure but can also be formally organised.

The structure chosen will depend on many factors including:

- Experience of the individuals making the decision
- The national legal system
- Financial and human resources required to establish and maintain the grouping
- Consensus

When establishing the collective entity which will have responsibility for the GI application, and which will have ownership of the GI mark as well be responsible for the managing of the GI system put in place, individuals involved in the process must be cognizant of the following:

- Legal structure to assume
- The purpose for coming together to establish the entity
- The need to collaborate to realise a common objective

- Obtaining GI designation should not be the primary goal of the collective organization but a means to achieving an overall goal
- Activities of the grouping
- Membership of the organization
- Are there international standards/principles guiding the structure chosen?
- Developing a business plan
- Governance structure

The founding group, while initially small consisting of a few committed individuals who are willing to take on the responsibility of developing the initial idea to form a group through to implementation, must make provision for expanding its member base with other producers within the geographic area. These producers must understand the potential value that can be obtained from developing a sound GI management strategy around a product and be willing to invest the resources to implement the strategy.

### *2.2.2.1 The Jamaica Jerk Producers' Association*

The road to forming the JJPA started with select producers participating in the 2008 GI project and the realisation that to obtain a GI there was an urgent need to come together as a collective group to make the application. It took members about 6 years to establish a formal grouping.

The Articles of Incorporation for the JJPA was developed in 2013 and The Jamaica Jerk Producers' Association Limited was incorporated in Jamaica in March 2014 with the broad objective to:

- (i) Gain global protection, and recognition of "Jamaica Jerk" as a protected geographical indication (PGI);
- (ii) Enforce the Code of Practice (COP) developed for the PGI;
- (iii) Liaise with public-sector agencies to ensure adherence to the GI standards; and
- (iv) Undertake collective marketing and promotion of products produced and marketed under the PGI.

More specifically, the objectives of the Jamaica Jerk Producers' Association as set out in the Articles of Incorporation are to:

- Promote and encourage the development of the authentic Jerk seasoning and Jerk Sauces industry in Jamaica
- Secure the registration in Jamaica and elsewhere of the geographical indication "Jamaica Jerk" for Jerk seasoning and Jerk sauces
- Hold and administer the geographical indication for "Jamaica Jerk"
- Establish procedures to monitor the quality of Jerk seasoning and Jerk sauces entitled to carry the geographical indication "Jamaica Jerk"
- Promote the marketing of Jerk seasoning and Jerk sauces using the geographical indication "Jamaica Jerk" in Jamaica and elsewhere, that is, locally and internationally
- Assist and support the defense of the geographical indication "Jamaica Jerk" in Jamaica and elsewhere



- Cooperate with any organization, corporate body or individual and with the government of any country in promoting or carrying out the above objectives.

The JJPA currently consists of the following members:

- Associated Manufacturers Ltd.
- FIWI Foods Ltd.
- Goshen Distributors Ltd.
- GraceKennedy Ltd.
- King Pepper Products Ltd.
- Tijule company Ltd.
- Johnny McFarlane Trading as Post Harvest Association

This above list of members of the JJPA is an expansion from the initial 4-5 individuals who spearheaded the forming of the association. While the case for a GI to protect OLPs can be made and pursued by a small founding group, for sustainability it is advised to make provision for an expanded membership. A larger more inclusive group which represents both large and small producers/value chain actors is essential for sustainability of the GI system articulated in the GI specifications and control manual. Membership fees are normally charged for participation in the group. It is important to note, however, that once the GI designation has been granted that all producers/value chain actors that meet the product specifications can use the GI and membership in the group is not a prerequisite for eligibility to use the GI. Some systems require that a fee be paid to the group advancing the GI through to registration and therefore owns the specific GI. In the case of the JJPA all producers wishing to use the mark must pay the association an annual fee and be registered as a bona fide producer eligible to use the mark.

#### **2.2.2.2 Governance**

It is important that there are clear governance structures in place for the association as well as for the GI system which is implemented. In the case of the JJPA, there is no functioning governance structure in place therefore, the following will be important: establishing a Board of Directors, setting guidelines for members of the association, having oversight for developing the COP and Control Manual associated with the GI. With regards to the GI management system, producers must consider: establishing the framework to certify that members are meeting the standards for production/ manufacturing as specified; establishing a system to ensure compliance with the specifications; a mechanism for policing the GI system and enforcement of rights; and collective marketing and promotion of the GI.

The implementation of an effective overall governance structure is critical for the JJPA to maintain the integrity of the “Jamaica Jerk” PGI in the market place and to provide consumers with the confidence that they are purchasing an authentic product as specified by the label. Further, the system not only serves as means to enforce compliance by those producers using the PGI logo on their products, but also to collectively market and promote products under the “Jamaica Jerk”-specific designation.

### **2.2.3 STEP 3 Capacity Building of the Producer Group**

The use of GIs as a marketing tool is relatively new for Caribbean producers, therefore, it is expected that they will require training to understand what GIs are and how best they can be used to their competitive advantage in the market place.

In the case of the JJPA this process commenced prior to establishing the association. The group benefited from a JIPO lead GI capacity building project in partnership with the Swiss Federal Intellectual Property Institute (IPI) to aid in the development of Jamaican GI products on an international scale. Through the project producers and government officials received training with regard to implementation of the national Geographical Indications Act. Technical assistance was also provided in the preparation of product specifications.

The JJPA benefited from organized training seminars and workshops as well as study tours inclusive of:

- Seminars for producers of potential GIs
- Specific GI workshops targeting the three identified priority products: Jamaica Jerk, Jamaica Blue Mountain Coffee and Jamaica Rum
- Theoretical and practical training for quality control
- Study tour to Switzerland

Capacity building must take into consideration that all actors involved in the GI system must be trained to facilitate the development and implementation of an effective system. The JIPO used a strategic approach to building national capacity regarding GIs. Understanding that national agencies will play a critical role in developing any GI system, the first set of training involved public sector agencies such as the judiciary, the Rural Agricultural Development Authority (RADA), the Ministry of Agriculture, the Jamaica Bureau of Standards (JBS), JIPO staff, the Scientific research Centre (SRC), the Jamaica Business Development Centre (JBDC) as well producers from the three initial products identified as well suited for GI protection (Jerk, Rum and Coffee). The second set of training targeted the private sector, other producer groups as well as farmers.

#### **2.2.4 STEP 4 The GI Application and Registration Process**

The process for registration of a GI can be viewed from two main foci, the process the producer group must undergo to submit the application and the Intellectual Property Office's internal process for accepting the application through to approving the GI and issuing the GI to the applicant.

In Jamaica an approved GI is given the designation "Protected Geographical Indication" (PGI).

##### **2.2.4.1 JJPA – Application for PGI Process**

The JJPA, in making their application for the PGI for Jamaican Jerk seasonings and sauces, needs to be compliant with the application requirements as set out in national law. Section 9(3) of the Jamaican Protection of Geographical Indications Act 2009 provides that an application shall contain the following information-

- (a) the name, address and nationality of the applicant;
- (b) the capacity in which the applicant is applying for registration;
- (c) the geographical indication for which registration is sought;
- (d) the geographical area to which the geographical indication applies;
- (e) the good to which the geographical indication applies;
- (f) the quality, reputation or other characteristic of the good in relation to which the geographical indication is used.

Additional information such as the product specifications/code of practice and control manual are also supplied with the application.

### The Product Specifications

The specifications (also referred to as code of practice, disciplinary document, book of requirements) accompanies the GI application and is a document which sets out the rules for use of the GI. It is the first step in developing the voluntary standards which all stakeholders using the GI must comply, it therefore must be shared with all relevant stakeholders. GI specifications are developed for all producers within the geographically delimited area and therefore while being focused should not be so complex as to exclude any producer wishing to use the GI. It is important that the system developed be easy to enforce and control.

The specifications are collectively derived through a participatory process (inclusive of as many producers within the defined area who are interested) and defines the specific quality of the product and the terms of use of the GI. The specification generally contains the following:

- Definition of the product including the name of the GI
- Description of the product - characteristics, ingredients, raw materials
- Definition of the process –how to obtain the product in all the phases of the production process
- Demonstration of the specific quality linked to geographical origin - human & natural
- Definition of the production area –how it is delimited (ecological, climatic, know-how, traditional practice, history of production)
- Information on the product and labelling rules
- Control plan –verification system

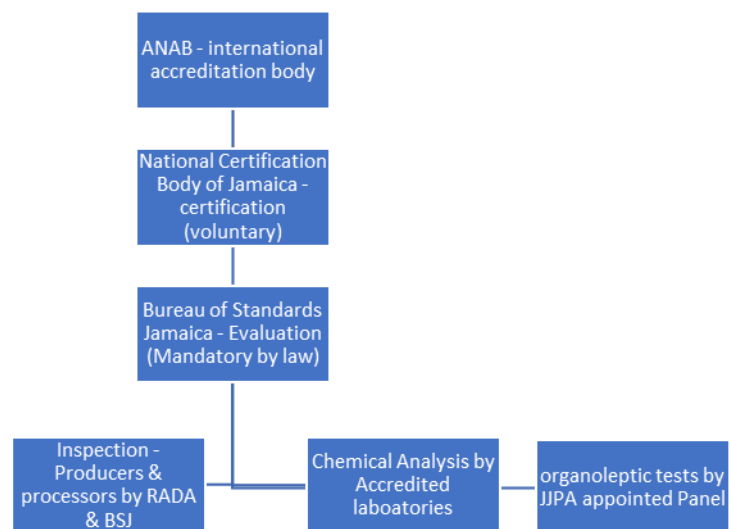
### The Control Manual

The control manual is a practical guide which sets out the voluntary standards required to identify the significant quality requirements for the product which is the subject of the GI. These specifications and characteristics must be maintained by producers, whether a member of the JJPA or not, who are interested in using the GI mark on their products and for use such in marketing and promotion campaigns.

The control manual is more detailed than the product specifications and details the controls and certification associated with the GI. In the case of the PGI Jamaica Jerk, the control manual provides background information on the JJPA, Jerk seasoning and Jerk sauces supply chain and manufacturing,

requirements for compliance and sanctions for non-compliance; and steps for dealing with instances of infringement.

Critical to the control process is the system of guarantee established to assure consumers that products bearing the GI mark are authentic and produced according to the product specifications. To do this, the JJPA has partnered with national agencies (namely the National Certification Body of Jamaica, the Bureau of Standards Jamaica, and the Rural Agricultural Development Authority) to develop a system of certification, evaluation and registration of bona fide producer and suppliers as depicted below.



*Figure 1 National and International Agencies pivotal to maintain the Control Process for Jamaica Jerk PGI*

#### **2.2.4.2 'Jamaica Jerk' Registration Process**

The following outlines the steps taken to register the 'Jamaica Jerk' GI. These steps occurred after the Association had organized itself, engaged stakeholders as to the type of IP protection tool best suited, decided on the name for the GI and completed the application form as prescribed under law.

1. The application was submitted by the JJPA along with the required application fees of JMD \$30,000.00, specifications and control manual
2. The Registrar of the JIPO examined the application for compliance with the Jamaica Protection of Geographical Indications Act 2009 and Regulations to determine whether the correct applicant has made the application; that the application does not conflict with public morality and the indication being sought meets the definition of a geographical indication
3. After some revisions the application was accepted by JIPO. It was then published in the Jamaica Gazette or JIPO's Intellectual Property Journal to facilitate notice to the world and the opportunity for third parties to oppose the application. The JJPA paid a publication fee of JMD \$3,900.00

4. As there was no opposition to the published information the Registrar completed the PGI registration process. This process, once free of opposition is completed within two months of publication
5. Persons interested in using the newly registered PGI are then registered with JIPO. Users apply to the Registrar of Industrial Property at JIPO by submitting a written application accompanied by a Statement of Case and an affidavit of how they fall within the designated producer category. A letter of consent from the registered proprietor of the GI (JIPA for Jamaica Jerk) should also be included with the application for registration as a user. The association can charge an annual license fee for use of the GI mark.
6. The application is then examined and published in the same manner as the application for registration of the PGI therefore involves the same steps.

### National GI Logo.

Jamaica has a national GI Logo that was launched by the Ministry of Industry, Investment and Commerce (MIIC) in April 2015. This mark, a PGI, is to be used for all GIs granted nationally with producers of specific GI being able to distinguish themselves by using their Association's logo as well as their own trademark on their products.



The JIPA uses the national PGI logo as shown above with the words “Jamaica Jerk” appearing in close proximity to the logo. An examination of labels within the market shows that there is little consistency with regard to the use of the PGI logo and the associated term “Jamaica Jerk”.



Source: WIPO document: WIPO\_ipda\_ge\_16\_t7.ppt. Author: Sara Ruth Allen

Both labels depicted are using the PGI logo, however there is no reference to “Jamaica Jerk” for which the PGI was awarded. There is therefore urgent need for the JIPA to address this matter and to provide clear standards regarding labeling and enforce these standards.

Both Article 8 of the JJPA Code of Practice and Section 9.3 of the Control Manual address issues related to labelling as such:

“The products, for which, ..... the Geographical Indication “Jamaica Jerk” is claimed, cannot be declared for production, offered to consumers, dispatched or sold without the designation being clearly and visibly noted and accompanied, by the words “Protected Geographical Indication” on the declaration of manufacture, the transport documents, prospectuses, labels, invoices, any receipts and any other document used in the trade of the product”

As evidenced from the examples provided, the JJPA must undertake a member education programme with regard to labelling especially with regard to the use of the logo, the use of the term “Protected Geographical Indication” and its abbreviation acronym (PGI) and the use of “Jamaica Jerk”. This will allow for a more consistent and credible presentation of the GI to the public, thus reducing confusion in the market and allowing for ease of identifying infringers.

#### **2.2.5 STEP 5 Licensing the Use of the PGI Mark**

Licenses to use the PGI mark are issued to producers who meet requirements as set out under the specifications/code of practice submitted with the JJPA’s GI application. Not all producers wishing to use the “Jamaica Jerk” PGI have to be members of the JJPA but are required to meet the requirements set out in the specifications and control manual.

Producers are required to apply to the Registrar of the JIPO for the use of the PGI indicating how they will use the PGI and provide necessary documentation showing how their product meets the Jamaica Jerk PGI specifications. Before submitting their request to JIPO they must first be granted a licence for the JJPA to use the ‘Jamaica Jerk’ PGI.

The JJPA charges the user an annual licensing fee for the use of the PGI and keep a register of persons using the PGI “Jamaica Jerk”. Once the agreement between the Association and the user has been finalized, the user can affix the logo on their products.

#### **2.2.6 STEP 6 Marketing and Brand Development**

A geographical indication can be used by producers in a specific geographical area as a tool to achieve a competitive advantage in the market. Its use signals to consumers that the product is unique based on one or several characteristics that links that product to its geographical origin.

The organisation of the JJPA, the submission of the national application for a GI and the eventual grant of that GI by the Registrar of JIPO can be considered the first phase in the process to achieving the desired price premium and market advantage sought by producers.

The next phase in the process is to effectively use the GI to build brand equity through a process of collective marketing and promotion. It is therefore important that the GI system developed include a mechanism to build brand recognition to increase market share in target markets. Producers must therefore recognise that the GI is a valuable intangible asset which must be managed. To date the JJPA has not engaged in any collective marketing and promotion for its members as members are still largely



focusing on developing their individual brands and have not yet sought to reap the potential benefits of having a GI for Jamaica Jerk seasonings and sauces.

Part of a GI management system includes policing the GI mark globally. Such an activity can be costly and often beyond the financial and human capacity of the producer group. The JJPA has sought to overcome this limitation through their membership with the Organisation for an International Geographical Indication Network (oriGIn) which services its members by facilitating a reduction monitoring costs in foreign markets and by reaching out to policy makers in case of abuse. Members provide information to oriGIn concerning potential infringements taking place in their regions, and oriGIn acts to stop them through public campaigns and legal advice.

The JJPA pays an annual fee of USD 1,800.00 to maintain their membership with oriGIn. Once informed of cases of infringement, the JJPA can act to stop the reported infringement through the legal process as provided under the national GI legislation and through assistance from oriGIn.

### 3. SMART PARTNERSHIPS

#### Strategic Partnerships

The JJPA was established among other things, to bring together Jerk producers to set standards, develop a code of practice and control manual for protection of authentic Jamaica Jerk; to prevent the global use of misleading terms like “Jamaica-style”, “Jamaica-kind” and “Jamaica-type” applied to Jerk Seasoning and Jerk Sauces; and to provide a framework for collectively marketing and promoting their products using the PGI and possibly seek price premiums for their products.

The journey to obtaining the first Jamaican PGI was a long one for the association (about 6 years) as prior to the identification of Jamaica Jerk as having potential to be registered as a geographical indication there was no association. The idea to form an association was developed by a few producers initially and through the help of several partners the association grew and the GI system was developed. These partners included:

*The Jamaica Intellectual Property Office (JIPO)* – JIPO administers the intellectual property (IP) laws of Jamaica and well as ensuring there is a modern and effective IP rights system that will act as a catalyst for international competitiveness, facilitating economic growth and national development. With regard to GIs, JIPO has developed and published a manual to assist the public to better understand GIs, a relatively new area of IP for Jamaica and to guide persons and organizations who are considering how to file an application at JIPO to register a GI. JIPO also undertakes public awareness and education programs and in the initial stages provided opportunities for the JJPA and other associations to build capacity regarding geographical indications. The JJPA therefore benefitted from capacity building and technical assistance in several areas including: the formation of an association to manage a GI system as well as the fundamentals of GIs and how they can be protected. JIPO would have assisted the JJPA by facilitating the association’s initial meetings; by providing assistance in completing the GI application form; and facilitating access to technical expertise from the Swiss IP office after the conclusion of the JIPO-IPI project in 2010.

*Rural Agricultural Development Authority (RADA)* – Jamaica’s statutory agricultural extension and rural development agency which among other things provides agricultural producers information on good agricultural practices, oversees farm practices and registers farmers. Farmers supplying producers producing products under the PGI “Jamaica Jerk” are required to be registered with RADA or the Jamaica Agricultural Society.

*Jamaica Agricultural Society (JAS)* – A member-based statutory organization established to promote its members, to promulgate good agricultural practices, to support agricultural research and development and support activities related to increasing value added within the agricultural sector. The JAS also registers farmers.

*Bureau of Standards Jamaica (BSJ)* – is an independent certification body which provides independent evaluation services for members of the JJPA to ensure compliance with the PGI “Jamaica Jerk” specifications. It is also mandatory for all packaging facilities used by members/users of the PGI to be registered by the BSJ and for them to have current certification. Additionally, organoleptic testing is conducted by an approved panel at the BSJ facilities.

*Scientific Research Council (SRC)* – approves facilities for Jerk processing

*National Certification Body of Jamaica (NCBJ)* - a unit of the Bureau of Standards Jamaica was established in 2007 with its core service being certification activities. The NCBJ is accredited by the US-based ANSI-ASQ National Accreditation Board (ANAB), to offer certification services to ISO 9001 Quality Management Systems. Certification of a company by the NCBJ demonstrates that the company's products, processes, systems or services are conformant, not only with local regulations, but international standards.<sup>1</sup>

## 4. WAY FORWARD

Obtaining the PGI designation is the first step in the process for the producers of Jamaica Jerk seasoning and sauces to solidify their presence in the national, regional and international market for condiments as the only authentic producers of these condiments. The next phase is to effectively use the PGI as a tool to achieve this objective. To do this the JJPA must, among other things, undertake the following tasks as a matter of urgency:

- Implement a governance structure which includes:
  - Board of Directors meeting on a regular basis to ensure the effective functioning of the Association
  - Setting guidelines for members of the association with regard to regular association business and specifically for the management of the PGI
  - Implementing a monitoring system for compliance related to the COP and Control Manual associated with the GI.
  - Develop and implement a mechanism for policing the GI system and enforcement of rights; and
  - Develop and implement a strategy for collective marketing and promotion of products the GI.
- Continued training in areas related to governance, management of a GI system and enforcement
- Developing a manual for the use of the PGI on products. This will provide guideline to members for use of the PGI and ensure consistency in the labelling of products
- Developing and implementing a collective branding strategy
- Expanding membership to other stakeholders along the value chain, thus building a strong membership base

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<sup>1</sup> Source: <http://www.miic.gov.jm/content/national-certification-body-jamaica>