

## FINAL REPORT

# CONSULTANCY TO PROVIDE EXPERT ADVICE/STUDY ON THE FEASIBILITY OF THE KALINAGO CRAFT AN ORIGIN-LINKED PRODUCT (OLP)



Submitted by Conceptualisation Inc.



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## Acronyms

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BA	Barana Autê
CARIFORUM	The Forum of the Caribbean Group of African, Caribbean and Pacific (ACP) States
CDB	Caribbean Development Bank
CIPO	Commerce and Intellectual Property Office
CTO	Caribbean Tourism Organisation
DEXIA	Dominica Export Import Agency
EC	European Community
GDP	Gross Domestic Product
GI	Geographical Indication
GIS	Government Information Services
GEF	Global Environmental Facility
GVA	Gross Valued-added
IPR	Intellectual Property Right
MOKA	Ministry of Kalinago Affairs
NDF	National Development Foundation
NES	National Export Strategy
PAYE	Pay As You Earn
OECS	Organisation of Eastern Caribbean States
OLP	Origin Linked Product
SIC	Standard Industrial Classification
SGP	Small Grants Programme
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UK	United Kingdom
VAT	Value Added Tax
WAIKADA	Waitukubli Karifuna Development Agency Limited
WIPO	World Intellectual Property Organisation

Commissioned by the Caribbean Export Development Agency



CONCEPTUALISATION<sup>SM</sup>  
CREATIVE • INTELLECTUAL • ASSETS • MANAGEMENT

Project Team:

Erica K. Smith

Dr. Wendy Hollingworth

Virginia Riviere

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# 1. Project Background

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The cultural industries may be defined as ‘when cultural goods and services are produced, reproduced, stored or distributed on industrial and commercial lines, that is to say, on a large scale and in accordance with a strategy based on economic considerations rather than any concern for cultural development.’ (UNESCO, Cultural Industries—a challenge for the future of culture, 1982). As with most other territories in the CARIFORUM region, the cultural industries are recognised as a key sector in terms of potential economic growth in the Commonwealth of Dominica (“Dominica”). This has been confirmed in the 2012 study<sup>1</sup> commissioned by the World Intellectual Property Organisation (WIPO) which looked at the economic value-added of the copyright industries<sup>2</sup> in the territories of the Organisation of Eastern Caribbean States (OECS), including Dominica. According to the findings of that study the economic contribution to GDP of the copyright industries in Dominica was 3.7% in 2010. Recognising the growth potential of the cultural industries, the National Export Strategy (NES) 2009-2013 of Dominica has a vision of developing the cultural industries to become a significant source of employment and contributor to export earnings. In this regard, the Kalinago craft industry has been specifically identified as an export activity which should be prioritised with a view of taking advantage of the provisions of the CARIFORUM-EC Economic Partnership Agreement.

To achieve the objectives of the NES, it is understood that an intervention based on the use of intellectual property tools along with a coordinated branding programme would go a long way in reversing current trends. It is agreed that a strategy which is focused on the promotion of Kalinago crafts as origin-linked products (OLPs) could generate multiple advantages. These include building on the existing reputation of Kalinago crafts, rural development, the preservation of traditional knowledge and heritage, the strengthening of the competitive position of these products and importantly, in improving the economic participation of women.

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<sup>1</sup> James, V. (2012). The Economic Contribution of the Copyright-based Industries in the Member States of the Organisation of the East Caribbean States. Commissioned by WIPO.

<sup>2</sup> The copyright industries are defined as those industries in which ‘copyright plays an identifiable role’ in creating tradable private economic (property) rights and income from use of these economic rights so whilst not exactly the same as the cultural industries, there is a clear and significant overlap. Similarly, the creative industries are defined as, “those which have their origin in individual creativity, skill and talent. They also include industries that have the potential to create wealth and jobs through the development, production or exploitation of intellectual property. The sector is made up of 13 distinct industries – advertising, architecture, art and antiques, crafts, design, designer fashion, film, interactive leisure software, music, performing arts, publishing, software and computer services and TV and radio” Creative Scotland. Creative Industries. A Strategy for Creative Scotland 2016-17 Appendix 2. Retrieved from: [https://www.creativescotland.com/\\_\\_data/assets/pdf\\_file/0017/34910/Creative-Industries-Appendix-2.pdf](https://www.creativescotland.com/__data/assets/pdf_file/0017/34910/Creative-Industries-Appendix-2.pdf)

An OLP is distinct from other comparable products due to its link to the territory (terroir). This speaks to various interactions in a specific geographical area between local producers and their environment over time which have resulted in a specific knowledge and origin-linked quality which cannot be copied elsewhere. OLPs may be protected in a number of ways legally including as a form of intellectual property known as geographical indications (GIs). Where the OLP has developed a reputation based on its specific qualities, it has been found that there are several associated benefits which include brand development, the ability to charge a price premium for what is seen as a superior product and these in turn encourage the preservation of traditional methods and processes and rural development. For example, in a study of Boseong green tea from South Korea, Suh and MacPherson (2007) found that within six years the use of a geographical indication promoted the product and resulted in the doubling of production, the expansion of the tea-related industry with the price of the tea growing by over 90 per cent and the number of tourists to the region increasing<sup>3</sup>.

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<sup>3</sup>Jeongwook,S.& MacPherson, A. (2007). The impact of geographical indication on the revitalization of a regional economy: a case study of 'Boseong' green tea. *Area* 39(4): 518-527

## 2. The Global Crafts Sector

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According to the Association for Creative Industries (formally the Craft & Hobby Association), the US craft industry includes businesses engaged in the design, creation, distribution and sales of products and is estimated to be worth US\$43 billion.<sup>4</sup> In general, the craft industry encompasses goods that are handmade by artisans or those skilled in a trade. The sector is not well defined globally and very often the value of the sector is not disaggregated from other statistics obtained from a valuation of the creative and cultural industries.

In the UK the definition of the craft sector has been revised to cover the manufacture of jewellery under the Standard Industrial Classifications (SICs) as well as the following occupations under the Standard Occupational Classifications (SOCs): smiths and forge workers, weavers and knitters, glass & ceramics makers, decorators & finishers, furniture makers and other craft woodworkers.<sup>5</sup> The term handicrafts is also often used with reference to the crafts sector and refer to products that are made by hand by artisans using simple tools instead of machines, although some definitions allow for the fact that some machinery are used in production on a limited scale and by skilled artisans. Within the broad definition of handicraft, the global handicrafts market reached a value of US\$ 526.5 billion in 2017 with an estimated projection of US\$984.8 billion by 2023.<sup>6</sup>

In the UK there are an estimated 11,620 businesses involved in craft industries, which account for 0.2% of the UK business population. Of these businesses over 50% (approximately 6,200) are unregistered micro businesses operating below the VAT/PAYE threshold, suggesting a strong reliance on small independent makers. Approximately 43,250 persons are employed of which 7,300 (or 17%) is attributable to unregistered micro businesses. Overall the combined employment of craft industries accounts for 0.1% of the UK employment total, suggesting most craft businesses are relatively small.<sup>7</sup>

Similar statistics for the Caribbean region are not readily available as measures of the creative and cultural industries do not provide disaggregated data to allow for the extraction of the gross value added of the crafts sector to national economies. Nevertheless, the 2015 study commissioned by Caribbean Export Development Agency provides

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<sup>4</sup> Source: <https://qz.com/928235/the-business-of-creativity-is-worth-44-billion/> (December 27, 2018)

<sup>5</sup> Development of a Regional Export Strategy for the Creative Industries Services Value Chain Analysis Report: ARTS & CRAFT. 2015. VISUAL & PERFORMING ARTS JAMAICA (VPAJ) and KEA EUROPEAN AFFAIRS (KEA). Prepared for Caribbean Export Development Agency.

<sup>6</sup> Source: <https://www.prnewswire.com/news-releases/global-handicrafts-market-2018-2023-market-reached-a-value-of-us-526-5-billion-in-2017-and-is-expected-to-reach-984-8-billion-by-2023--300686507.html>

<sup>7</sup> Defining and measuring craft: a review for the Crafts Council Report three: Measuring the craft economy. 2014 report

some general information on the Arts and Crafts sector in CARIFORUM member states.<sup>8</sup> The data provided in the study shows that approximately 85% of Arts and Crafts practitioners interviewed fully owned their businesses of which 70% of these were formally registered. During the recording period 74% of practitioners recorded sales < US\$9,000.00 per annum; 20% between US\$10,000.00 – 49,999.00; 2% between US\$ 50,000.00 – 99,999.00; 2% between 100,000.00 – 499,999.00; with 1 individual recording sales of > US\$1M.

In terms of marketing of Arts and Crafts, approximately 94% of practitioners recorded export sales <9,999.00 thus indicating that exporting of Arts and Crafts is not a major activity for entrepreneurs within this subsector. Exports were mainly to Barbados, France, Germany, Spain, USA, Canada, Latin America and Central America. Craft industry entrepreneurs operate independently and often utilise their own finances to establish their business. The sector provides employment and income to many individuals, mainly women, globally. In terms of markets, trade shows and craft fairs are the main avenues through which craft artisans sell their products.

### 3. Kalinago Craft

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Figure 1 Kalinago craft vendor in Kalinago Territory



The Kalinago people are the indigenous people of Dominica and primarily live in the Kalinago Territory (the “Territory”) in the parish of St. David on the eastern coast of Dominica. In 1903 the Territory was delimited and expanded from 300 acres to 3,782.93 acres defined as:

- Northerly by the Big River, by lot 63 and the Balata Ravine

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<sup>8</sup> Development of a Regional Export Strategy for the Creative Industries Services Value Chain Analysis Report: ARTS & CRAFT. 2015. VISUAL & PERFORMING ARTS JAMAICA (VPAJ) and KEA EUROPEAN AFFAIRS (KEA). Prepared for Caribbean Export Development Agency.

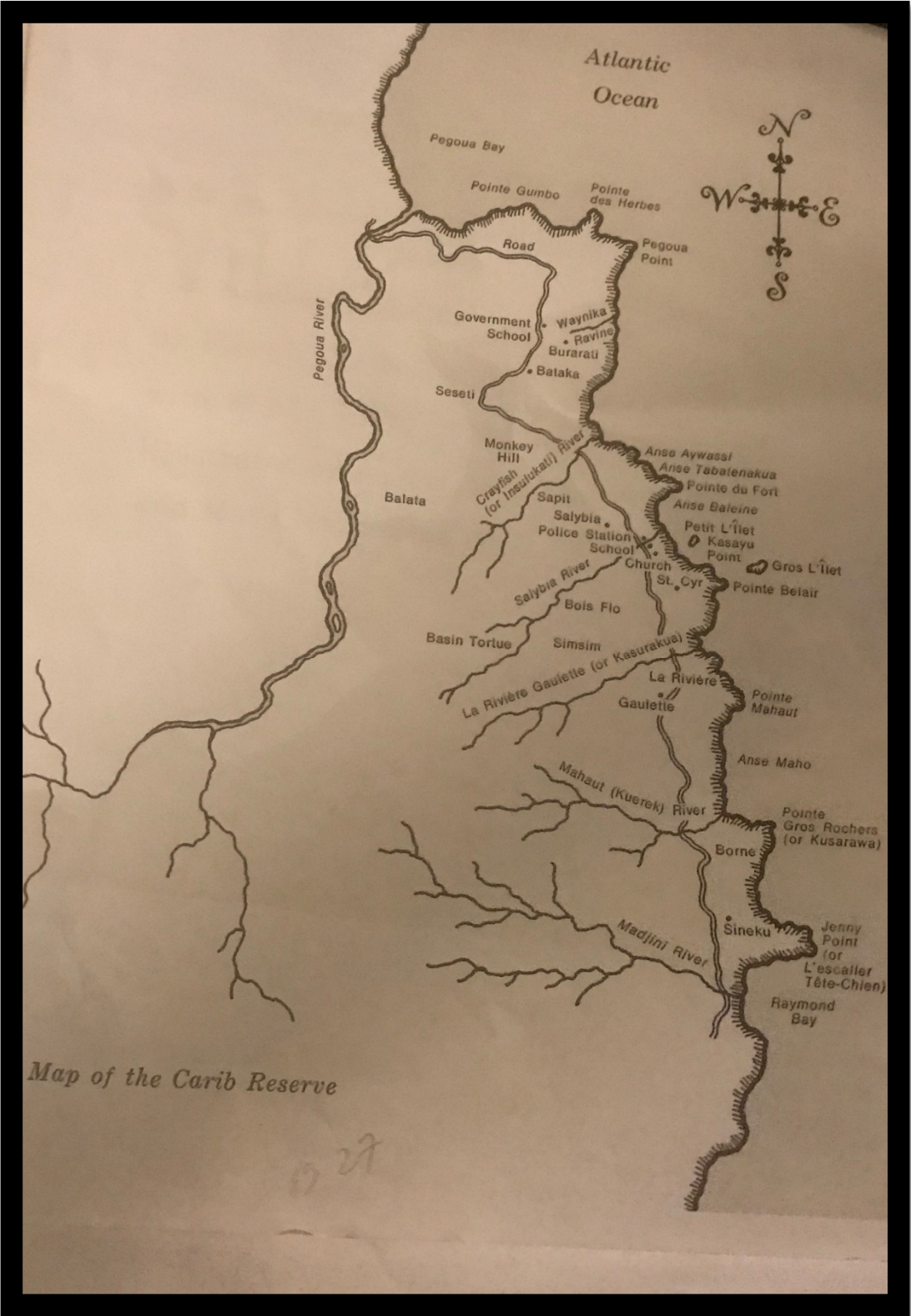


- Easterly by the sea
- Southerly by the Raymond River and Crown land; and
- Westerly by the Pegoua River, by Concord Estate and by parts of lot 61 and 63

The Territory is divided into 8 hamlets:

- Sineku
- Gaulette River
- Mahaut River
- St. Cyr
- Salybia
- Crayfish River
- Battaca
- Touna Concorde

Figure 2 Map of Kalinago Territory



In accordance with the provisions of the Kalinago Territory (Amendment) Act 2015 (the “Kalinago Act”), the land in the reserve is collectively owned by the Kalinago Council (the “Council”) and it is forbidden for individuals to own land. As a result, the Kalinago people are unable to use the land as collateral which limits their access to finance.

It is estimated that there are 3,000–3,500 Kalinago people in Dominica with the 2011 population census indicating that there are approximately 2,145 persons in the Territory. There is also a sizable community in nearby Atkinson. According to the same census 56.5% were male and 43.5% female. Compared with the rest of Dominica, the Territory suffers from a high level of poverty and unemployment. The difficult economic conditions being experienced in Dominica have exacerbated the situation in the Territory.

According to the National Export Strategy 2010, and more recently feeling the impact of the effects of Hurricane Maria, there has been a decline in the number of visitors to Dominica. The Caribbean Tourism Organization (CTO) reported that Dominica hosted 33 cruise ships for the 2017-2018 season (out of 219 expected cruise visits prior to Hurricane Maria). The fall-off in visitors in turn negatively affects sales of local products, in this case, Kalinago craft. It was estimated that the Territory attracts on average 6,000 tourists annually who spend 30–40 minutes in the Territory. The primary attraction in the Territory is the Barana Autê which is a simulated traditional Kalinago village and includes a gift shop, huts where traditional activities such as canoe-building and basket weaving are showcased. It also serves as a cultural performance space.

### 3.1 Governance and Organisation of the Kalinago

#### **The Kalinago Chief**

The Kalinago Chief must be resident in the Territory and is elected for 5 years. In colonial times the position of the Chief was a ceremonial one but since the 1950s the Chief plays a role in local council government and Chairman of the Kalinago Council.

#### **The Kalinago Council**

The primary legislation concerning the status and rights of the Kalinago people in Dominica is the Kalinago Act. This provides in its section 14 that a body corporate is established for the governance of the Territory and that in addition to the powers granted under the Kalinago Act that the Council also has the powers of a Council granted under the Village Councils Ordinance. The Council comprises 7 persons including a Chief and six elected members. The Council is responsible for matters concerning: tourism, handicraft, cultural development and special events, health, social and gender affairs, community development, education, public relations and research, agriculture, forestry and fisheries, sports and youth affairs. The specific power of the Council under Section 29 of the Kalinago Act is to make bylaws concerning the occupation and use of the lands in the Territory as follows:

1. Holding and managing the land in the Territory on behalf of the residents
2. Settling disputes among residents but in a limited manner compared with a Court of law
- 3 The imposition of licences, rates, dues and fees within the Territory

One of the Council's main functions is to allocate financial resources for infrastructural development and educational projects in the Territory. Nonetheless, the by-laws of the Council must be approved by the Cabinet of Dominica and the Government of Dominica remains responsible for the overall planning and development of the Kalinago Territory.

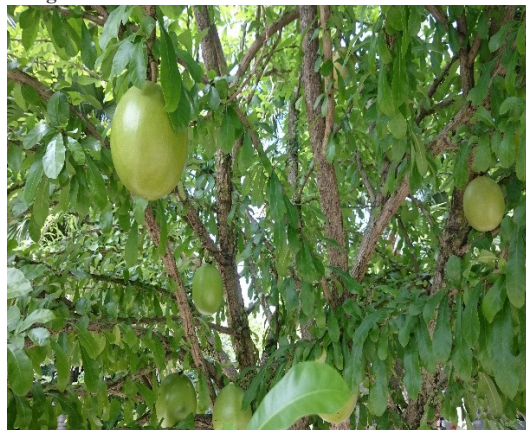
## 3.2 Craft

A major source of income for the Kalinago have been its traditional craft products which are valued as cultural heritage products. Kalinago crafts are made mainly from the “Larouma”/Ischnosiphon Arouma plant (Marantaceae), calabash (Crescentia Cujete), coconut, mibi (Araceae), the screw pine (it was noted that there were crafts persons in the past specialized in this material, but this is no longer the case), wood and bamboo. The Larouma products are the most well-known and valued and used to make baskets, jewellery boxes, purses, hats and the “wife leader” amongst other products. It is thought that this plant originated in the Orinoco basin and it must be cultivated, taking two to three years to reach maturity. It grows from 500–2,000 feet above sea level and favourable growing conditions are along river banks, the edge of water-logged areas and in the rain forest. The higher elevations allow for a taller plant (up to eight feet) which provides longer weaving strands for artisans.

Figure 3 Larouma plant



Figure 4 Calabash



The perceived value of Kalinago craft was confirmed in an economic study which detailed the creative industries in Dominica 2011-2017<sup>9</sup> and indicated that in 2012 the Kalinago craft subsector employed 150 artisans out of a total of 250 in the overall artisanal and visual arts sector. It generated a Gross Value-added (GVA) of EC\$732,288 in 2012 out of a sector total of EC\$1,444,694 but by 2015 it generated approximately EC\$480,000 out of a total of EC\$1,042,590. So that Kalinago craft continued to be a substantial contributor to the sector but at the same time, the GVA has been declining. Indeed, this situation was identified in the NES where it was found that there has been a fall in terms of quality, inadequate promotion and marketing and importantly, copying of the products by “non-established” individuals.

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<sup>9</sup> Stedman Craig (n.d.). Breakdown of the Creative Industries in Dominica as at 2011-2017.



Table 1 Estimated Gross Value-added of the Craft Sector in Dominica 2011-2016 (EC\$)

	2012 Total Employment	2011	2012	2013	2014	2015	2016 (Projected)
Artisanal and Visual Arts	250	1,444,694	1,391,750	1,259,010	1,134,072	1,042,590	1,061,543
Kalinago Craft	150	797,525	732,288	618,273	507,845	441,825	446,242.97
Ordinary Craft (wood, coconuts, grass etc.)	50	214,995	219,151	208,194	99,692	179,723	184,216.12
Paintings/Artists	10	111,250	114,465	108,078	104,392	102,304	104,861.84
Leather Craft	25	39,373	40,176	38,559	36,631	36,081	36,802.78
Crochet Craft	5	22,637	23,236	22,158	20,446	20,241	20,443.89
Carnival/Band Costumes	10	258,914	262,435	263,747	265,066	262,415	268,975.87

Employment figures were provided only for 2012

An examination of the above shows that the Kalinago craft sector has been confronting a number of challenges which have constrained its growth and continued decline and therefore, the motivation for this project.

3.2.1 Support Infrastructure for Kalinago Craft

- Kalinago Craft Association

The Kalinago Craft Association (“Craft Association”) was initially established as a direct outcome of a workshop which was facilitated by DEXIA in 2003 and a Strategic Direction Paper prepared in 2003. The vision for the Association was then stated as:

“Establishment of a craft industry that provides an adequate source of income for artisans and support [Carib] community development, culture and traditions.”

The Association was registered as a non-profit organisation and members paid monthly membership fees of EC\$ 10.00. Unfortunately, it was later disbanded but has recently been revitalized based on significant interest expressed by artisans. At a meeting in January 2019 of craft persons in the Territory at which 73 persons attended it was agreed that the Craft Association should be restarted and after the meeting a ‘new’ association was formed with an Executive consisting of a President, Vice President, Secretary, Treasurer and Assistant Secretary/Treasurer and 4 Floor members. During the meeting it was agreed that the by-laws of the original association will be amended by the new Executive.

It was agreed that all members will again pay a monthly fee of EC\$10.00 and the Executive will investigate to see if the original Bank account is still functional. A primary concern is

the lack of organisational and capacity-building skills within the Association and the need for strong leadership. It was agreed that to address some of these shortcomings the Association will liaise with the former executive (members of which are now part of the new association) and in this regard to work closely with DEXIA which has promised the necessary support to the Craft Association. It must be noted that the average age of members is between 40 and 59 years old, clearly illustrating the need for younger persons to get involved in the industry.

- **Dominica Export Import Agency**

The Dominica Export Import Agency (DEXIA) supports the craft sector including Kalinago craft and the idea for a project to support the development of the Kalinago craft as an Origin Linked Product and the relevant branding framework was initiated by DEXIA. This was as a result of the economic study on the gross-added value of the cultural industries previously referenced. DEXIA offers its support through collaboration with other organisations including the Dominica Association of Industry and Commerce (DAIC) and the National Development Foundation with which it undertakes training for persons with cottage industries. DEXIA has supported missions to the French territories and the participation of artisans in the regional trade event, Design Caribbean.

- **Ministry of Kalinago Affairs**

The Ministry of Carib Affairs, now Kalinago Affairs (MOKA) was established in 2005 with a mission to improve the socio-economic condition, the preservation and promotion of the cultural heritage and to promote the integration of the Kalinago in the socio-economic life of Dominica. MOKA is very much focused on policy development as well as implementation through its five-year strategic plan. It was reported that previously there was a focus on cassava production but since the passage of Hurricane Maria and the challenges accessing raw materials, there is now a greater focus on supporting craft in order to ensure ongoing production. In this regard, a business development plan specifically to empower craft-persons has been implemented. Of note is the work being undertaken with the Ministry of Agriculture with the aim of establishing agricultural production stations for the growing of Larouma.

- **Ministry of Tourism and Culture**

The Ministry of Tourism works to promote the Territory as a tourism destination and in terms of the Kalinago craft market established and manages the Barana Autê (BA). The BA, previously called the Carib Model Village, is in Crayfish River and started operations in 2006. The main objective of this facility is to share the cultural heritage of the Kalinago and it was designed based on traditional Kalinago architecture, tours include demonstrations of basket weaving. It was used as a point of sale with artisans paying a small rental fee. Unfortunately, it appears that one of the challenges with the BA is that it is not considered by the Kalinago as an integrated community project. In addition to the BA the Ministry has vending sites at eight tourism spots.

The Ministry of Tourism has also facilitated training to increase the level of diversity in product offering.

- Forestry Division

The Forestry Division has been supporting the Kalinago craft industry primarily through its research in the growing of Larouma. It maintains a demonstration plot at the Pond Cassé Waitukubuli Station which sits at approximately 600 -1,000 feet above sea level. Individual plants may reach up to 8 feet in height which benefits producers as they sometimes require long strips of the dried reed for specific products. A nursery is being built at another location, Concord where the focus will be given to the supply of seedlings to growers. Larouma sticks are usually sold to the craft producers at EC\$15–20.00 per bundle of approximately 100 sticks.

The Forestry Division is planning to include a mapping of the regions where Larouma is growing as part of an upcoming project.

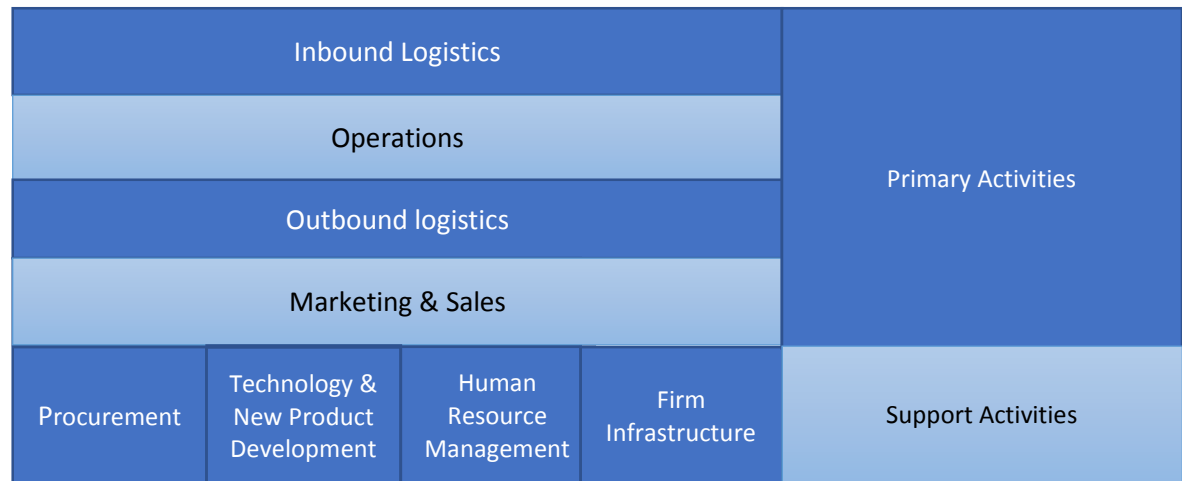
- WAIKADA

Waitukubuli Karifuna Development Agency Limited (WAIKADA) is a non-governmental organisation incorporated in 1993. It was established with the objective of addressing the socio-economic and infrastructure problems confronted in the Kalinago Territory. It is independent of the Kalinago Council and must seek its own funding. It has offered business training and assistance to crafts persons.

## 4. Value Chain Analysis

A value chain analysis of Kalinago craft production was undertaken using the following template to guide analysis.

Figure 5 Value Chain Analysis Graphic



### 4.1 Inbound Logistics

There is some division of labour in the harvesting and preparation of the raw materials, particularly in terms of Larouma. As was noted above there have been challenges finding Larouma, calabash and screw pine particularly post Hurricane Maria. Importantly, the most valued raw material, Larouma, was reported to also grows in Martinique.

*Key Issues – Inbound logistics:*

- Sustainable sourcing of raw materials
- Establishment and management of designated production sites

## **4.2 Operations**

The creation of craft is all done by hand using basic tools, although before traditional techniques were used. In the case of the Calabash, the Kalinago work with calabash as a craft object by engraving sceneries and using traditional motifs rather than using it for strictly utilitarian purposes as is the case in other Caribbean countries. To achieve a finished product is a lengthy one starting with the selection of the appropriate gourd, cutting it in half and cleaning it. It is then dried in the sun or smoked over a fire. This stage can take up to seven days.

The process of working with Larouma to make craft items is very labour-intensive with a specific technique applied in preparation as well as in the dying process. This latter activity involves:

1. To achieve a black colour the dry reed is cleaned and buried in a mud hole which is specially prepared for this purpose. The reed is left there for one week and then dried in the sun to remove any odour.
2. To achieve a brown colour, the reed is simply dried in the sun.
3. To achieve other colours, tan is used for pink and saffron is rubbed on one side of the strands for yellow whilst for white the other side of the reed is used.

Of concern, the Kalinago crafts people have been visiting the French Caribbean territories and teaching them their traditional techniques. It is claimed that the quality of the products made in the French islands equal or exceed the quality of those from the Kalinago and are sold at a higher price in those territories.

Another issue has been the lack of innovation in product design such that there is little differentiation in the craft being sold in terms of aesthetics and the range of products. Important is the need to ensure that the youth in the community continue to make craft and learn the associated traditions and that after Hurricane Maria, faced with the need to recover economically as quickly as possible, coupled with supply challenges, some artisans sought employment otherwise.

*Key issues - Operations:*

- Transfer of knowledge/retention of traditional techniques



- Appreciation of value of cultural heritage and maintaining knowledge within Territory
- Lack of design innovation

### **4.3 Outbound logistics**

The craft is sold directly by the Kalinago in the Territory. This was mainly through roadside kiosks of which there were 14 in total, eight of these were built and maintained by the Council and the remainder were built by individuals. Following Hurricane Maria, most of these were badly damaged. The BA has also been a key retail spot in the Territory. In addition to direct sales by the Kalinago, retailers selling at the tourist spots around the island buy from the artisans and re-sell.

Outside of tourists, the French Territories are the largest single export market and sales are achieved through sales to individuals and occasional trade missions but not in an organised manner.

#### *Key Issues – Outbound Logistics:*

- Many of the previous retail spots are still out of commission
- There is no organised distribution channel for the international market

### **4.4 Marketing and Sales**

The Kalinago are mentioned in all advertising for the Dominican tourism product and tours to the Territory but there is no organised advertising specifically for Kalinago craft. Furthermore, the craft is not branded in any way. In an interview with one of these vendors (and as was observed in the Territory), the Kalinago craft is exhibited alongside imported “Made in Dominica” souvenirs. Sustainable supply was cited as a challenge notably following Hurricane Maria and pricing was also a challenge as the complaint was that the wholesale prices being charged compared with what tourists were willing to pay severely restricts the application of a meaningful margin.

There are also reports of imported products being passed off as authentic Kalinago craft to tourists including within the Territory.

#### *Key Issues – Marketing & Sales:*

- Absence of branding
- Pricing
- Counterfeit/competing imported products

Figure 6 Craft Vendor at Old Market in Roseau



#### 4.4 Support Activities for Kalinago Crafts

##### 4.4.1 Procurement of raw materials for crafts development

Some raw materials are harvested outside of the Territory but not always in a sustainable manner.

##### 4.4.2 Technology and new product development

The craft techniques are passed on orally and there is no comprehensive documentation of the processes. There is also a catalogue of the designs used which was compiled previously for a trade mission but there is no system to promote the creation of new designs and this has negatively affected product diversity.

##### 4.4.3 Human resource management

Kalinago crafts are made by individuals who simply pass on their techniques, there is no organisation in terms of human resources. Training or capacity building programmes have been facilitated by support organisations and have focused on building business skills and improving quality. However, it was noted that there has been an issue of delayed or non-implementation of new skills or knowledge gained from training sessions.

##### 4.4.4 Firm infrastructure

Other than the revitalized Craft Association, there is no organisation within the Kalinago craft sector with the application of management functions planning, supply management, accounting and quality assurance.

## 5. Legislative Framework

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The protection of OLPs is achieved primarily through the use of the following pieces of legislation existing in country:

- The trademark system, through the use of a regular trademark, collective or certification mark
- Sui generis geographical indication system
- Unfair competition/passing off

Quite often a combination of the above is used along with other forms of relevant intellectual property rights (IPR) management strategies which could include:

- Industrial designs
- Copyright

Beyond the intellectual property legislation mentioned above, other relevant legislation may include consumer protection and misleading advertising, but Dominica does not yet have such legislation.

In terms of OLPs and the international legal framework Dominica is party to a number of relevant treaties and conventions:

- Paris Convention for the Protection of Industrial Property (1999)
- Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) (1994)
- Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks (2000)
- CARIFORUM-EC Economic Partnership Agreement

As regards the local legislative framework, Dominica has the following legislation:

- Marks, Collective Marks and Trade Names Act, 1999 (Act 12 of 1999)
- Marks, Collective Marks and Trade Names Regulations, 2009
- Protection of Geographical Indications Act, 1999 (Act 13 of 1999)
- Geographical Indications (Commencement) Order, 2008

## 6.1 International Legislative Framework

### **The Paris Convention for the Protection of Industrial Property**

One of the first treaties concerning the international protection of intellectual property is the Paris Convention for the Protection of Industrial Property, 1883. It contains a number of provisions concerning various forms of intellectual property. Article 1 provides that countries to which the Convention apply constitute a Union for the protection of industrial property.

#### *Collective Marks*

The Paris Convention provides for the protection of collective marks under its Article 7<sup>bis</sup> which provides that the Countries of the Union agree to accept for filing and to protect collective marks belonging to associations, even if the associations do not possess an industrial or commercial establishment. But it is provided that each country shall judge the particular conditions under which a collective mark shall be protected.

#### *Geographical Indications*

Under Article 10 there are provisions concerning false indications and apply where there is the direct or indirect use of a false indication of the source of goods or the identity of the producer, manufacturer or merchant.

#### *General*

The Paris Convention has general provisions of tremendous significance for the international protection of intellectual property rights:

1. National Treatment (Article 2) – Countries of the Union must grant the same rights to the nationals of other Union countries as those granted to its citizens and to nationals of non-contracting States if they are domiciled or have a real industrial or commercial establishment in a Union country.
2. Right of Priority (Article 4) – Using the first application filed in one of the Union countries, the applicant within six months for the registration of a mark, may apply for registration in other Union countries. The later applications are treated as having been filed on the date of the first application which allows for priority over other applications which made have been filed for the same mark during that time.

### **Trade Related Aspects of Intellectual Property Rights 1994**

The Agreement of Trade Related Aspects of Intellectual Property (TRIPS) is an agreement of the World Trade Organisation and provides minimum standards for intellectual property rights in Member States including for geographical indications.



Under its Article 22 it defines what is a GI and provides that Member States must provide legal protection for GIs. Legal recourse must be available to interested parties to prevent the misleading use of the GI and any act of unfair competition. It also addresses the potential conflict with GIs and trade mark registration providing that the registration of a trade mark which contains or consists of a GI with respect to goods not originating in the territory indicated, if use of the indication in the trade mark is of such a nature so as to mislead the public as to the true place of origin.

### **Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks 2000**

The countries which are party to the Nice Agreement constitute a special union within the framework of the Paris Union for the Protection of Industrial Property. The Agreement provides a system for the classification of goods and services to the registration of trademarks.

### **The CARIFORUM-EC Economic Partnership Agreement 2008**

At the multilateral level, the CARICOM Member States along with the Dominican Republic (CARIFORUM) signed an Economic Partnership Agreement (EPA) with the European Community (EC). This agreement covers trade in goods and services and seeks to promote amongst other things, trade and investment and market access. It contains a number of intellectual property rights provisions including on GIs in Article 145 which provides that protection of GIs in the EC party and the signatory CARIFORUM states shall be granted in accordance with the legal system and practice in each State. It also provides that the use of GIs on goods under the article shall be exclusively reserved in the EC Party and signatory CARIFORUM states to goods originating in the geographical area concerned and that are produced in accordance with the relevant product specifications.

Although there is no direct market entry outside of the French territories for Kalinago craft and certainly even in that case, it does not seem to be undertaken through organized distribution channels, it is necessary to anticipate future market expansion and therefore possible protection strategies. Three markets will be explored in this regard:

1. The European Union
2. France
3. The USA

### **The European Union**

#### *Collective Marks*

There is a regional trademark system in the European Union for a European Union Trade Mark (EUTM) which allows for a single trademark for 27 EU countries. It does not

however, replace the national trademark system and you can choose to register a trademark nationally or at the EU level. A EUTM has to be used in trade within 5 years of grant in at least one of the EU countries. There are provisions for the registration of collective marks. Article 74(1) provides,

*A European Union collective mark ('EU collective mark') shall be an EU trademark which is described as such when the mark is applied for and is capable of distinguishing the goods or services of the members of the association which is the proprietor of the mark from those of other undertakings. Associations of manufacturers, producers, suppliers of services, or traders which, under the terms of the law governing them, have the capacity in their own name to have rights and obligations of all kinds, to make contracts or accomplish other legal acts, and to sue and be sued, as well as legal persons governed by public law, may apply for EU collective marks.*

Importantly, vis-à-vis GIs, it is provided in Article 74(2) that signs or indications which may serve in trade to designate the geographical origin of the good or services may constitute EU collective marks. It is a requirement that regulations governing use of the mark, conditions of membership of the association, conditions of use of the mark and sanctions for mis-use must be submitted. It is also provided that these regulations should authorize any person whose goods or services originate in the relevant geographical area to become a member of the association which owes the mark. The cost to apply for an EU Trade Mark for one class is €850 and for two classes, €900.

The regional trademark system in the EU can save time and money just as there are advantages there are some potential disadvantages:

1. The registration process can be lengthy
2. If there are grounds for refusal of the registration in one country then registration for the entire EU is not possible.
3. If there are oppositions, then the costs can be high.

### *Geographical Indications*

In the EU there is a uniform system for the protection of agricultural products as GIs however, in terms of non-agricultural and handicraft products there is no specific legislation in Member States.

## **France**

### *Collective Marks*

If there is a decision to focus on the French market initially, given that the importance of the French territories, then a French trademark will grant protection in

France itself, Guadeloupe, Martinique, French Guiana, Mayotte and Reunion and the French overseas collectivities. It cost €200 for an online application for up to three classes and €250 for a paper registration.

The French Intellectual Property Code provides in Articles L715-1 for the protection of collective marks:

*A mark shall be known as a collective mark if it may be used by any person who complies with regulations for use issued by the owner of the registration.*

*A collective certification mark shall be affixed to goods or services that display, in particular, about their nature, properties or qualities, the characteristics detailed in the respective regulations.*

### *Geographical Indications*

France extended the scope of protection offered by GIs to include industrial and artisanal products in Decree 2015-595. The objective of these new GIs is to provide protection to industrial or craft-based products which have specific quality, reputation or other characteristics which are as a result of their geographical origin. The production or processing must take place in the demarcated geographical area, but the raw materials do not have to come from the specified geographical territory.

## **USA**

### *Collective Marks*

In the USA there are two types of collective marks:

1. Collective Service Marks
2. Collective Membership Marks

Of relevance for Kalinago craft is the Collective Service mark which is defined under s. 45 of the Trade Mark Act, 15 U.S.C. §1127 as a trademark or service mark used by members of a cooperative, association or other collective group or organisation and the mark must be owned by a collective entity. The applicant must submit a statement specifying the nature of the management system and the system of control over use of the collective management and the standards applied.

### *Geographical Indications*

There is no sui generis GI system in the USA.

## 6.2 Local Legislative Framework

### 6.2.1 Trademarks

A trademark is defined as a sign used to distinguish the goods or services of one business from another; therefore, a trade mark must be distinctive and not descriptive, so that “Apple” could not be registered as a trademark for use with the fruit apple. A trademark may be in the form of a word, slogan, logo, numeral, shape, packaging, colour and in some jurisdictions a sound or scent. Section 2 of the Dominica Trade Mark Act defines a mark as “any visible sign capable of distinguishing the goods (“trademark”) or services (‘service mark’) of an enterprise.

The registration of a trademark confers exclusive rights on the rightsholder on a territorial basis. In other words, the trademark allows the rights holder to apply the trademark and any third party using the same or a similarly confusing trademark would need permission or a licence from the trademark owner to do so in the territory or territories in which the trademark has been registered.



"Trademark." IdeaNav Patent. Accessed February 08, 2019.  
<https://ideanav.co.za/trademark/>.

In many countries, it is the first person to apply for use of the trademark who will be granted the registration once the mark meets the legislative requirements and the applicant complies with requirements. In some instances, the first person to use a trademark maybe instead be the one who can register the mark or otherwise claim rights in the mark. Registration in one country does not result in global protection, rather registrations must be sought for each territory of interest which means that there needs to be a trademark strategy preferably within the business plan, an understanding of future market expansion and financing. This is so that the trademark is registered in a timely manner in the relevant territories.

Furthermore, trademarks are registered in classes for specific goods or services as defined in the international classification system, the Nice Agreement. For example, Class 5 covers:



*Pharmaceuticals, medical and veterinary preparations; sanitary preparations for medical purposes; dietetic food and substances adapted for medical or veterinary use, food for babies; dietary supplements for human beings and animals; plasters, materials for dressings; material for stopping teeth, dental wax; disinfectants; preparations for destroying vermin; fungicides, herbicides.*

Based on the above it is possible to register the identical or similar trademark in another class or in the same class in another territory.

In Dominica under section 4 of the Dominican Trademark Act, it is provided that, “a mark cannot be validly registered if it is likely to mislead the public or trade circles, as regards the geographical origin of the goods or services concerned or their nature or characteristics. The mark is registered for ten years initially and once the renewal fees are paid and the mark remains distinctive, that is, it does not become a generic trade term, then it can be renewed indefinitely. The indicative cost to register a trademark in Dominica would include:

	EC\$
Application to register 1 mark in 1 class	450.00
Publication of trademark	100.00
Request to search each mark per class	50.00

An initial search at the Dominican Intellectual Property Office indicated that key words for the Kalinago artisans such as “Kalinago craft” have not been registered.

### 6.2.2 Collective Marks

In addition to the regular trademark which is owned by an individual or company, it is possible for a group or association to own a trademark collectively—the collective mark. This mark maybe used by the owner of the trademark along with the members of the association. Section 2 of the Dominica Trade Mark Act defines a collective mark as, “any visible sign designated as such in the application for registration and capable of distinguishing the origin or other common characteristic, including the quality, of goods or services of different enterprises which use the sign under the control of the registered owner of that sign”.

The Trade Mark Regulations s. 67 provide that the application for a collective mark must be accompanied by regulations on the use of the mark which also specifies the persons who are authorised to use the mark, conditions for use of the mark and when applicable, it should also stipulate the sanctions for misuse of the mark. The cost to

register a collective mark is the same as for a regular trademark and in both cases, the Registrar shall, *ex officio* or at the request of any interested party, refuse or invalidate the registration of a trademark which contains or consists of a geographical indication with respect to goods not originating in the territory indicated, if use of the indication in the trademark for such goods in Dominica is of such a nature as to mislead the public as to the true place of origin of such goods.

Figure 7 Example of a Collective Mark



"Household Buildings Insurance for Jewellery Makers." The GoJD Resources and Membership Management Portal. Accessed February 08, 2019.  
<https://guildofjewellerydesigners.co.uk/resources>.

Figure 8 Trademark Registration Process in Dominica



### 6.3 Geographical Indications

A geographical indication (GI) not only indicates the origin of a good but also about its distinctive characteristics due to its geographical and human factors, including know-how, traditional knowledge and processes and skills), the quality and reputation of the good. A GI may consist of a geographical name, for example, Rioja wine or Jamaica Jerk but it does not have to be a geographical name as for example, Feta which is well-known as a Greek cheese or Basmati rice which is from India. Furthermore, a GI may consist of symbols or images which also indicate source such as the Egyptian pyramids.

Under the Dominica Protection of Geographical Indications Act, 1999, s. 2, a geographical indication (GI) is defined as, “an indication which any goods as originating in the territory of a country, or a region or locality in that territory, where a given quality, reputation or other' characteristic of the goods is essentially attributable to their geographical origin.” It further stipulates that the goods to which the GI may be applied are any natural or agricultural product or any product of handicraft or industry. The following persons may file an application for a GI in Dominica under s. 6 of the GI Act:

- (a) any person or group of persons carrying on an activity as a producer in the geographical area specified in the application, with respect to the goods specified in the application
- (b) any group of consumers; or
- (c) any competent authority.

A producer is defined under s. 2 as the producer of any agricultural product or any other person exploiting the natural products, the manufacturer of any product of handicraft or industry or any trader of the above. Only the producers carrying on their activity in the geographical region specified shall have the right to use the registered GI, in the course of trade, with respect to the goods specified once the products possess the required quality, reputation or other characteristics.

The indicative basic fees to register a GI in Dominica are:

	EC\$
Application for registration	250.00
Search fees	10.00 for up to 2 files & \$2.00 for each additional file
Publication fee	60.00
Registration fee	1,250.00

Trademarks and GIs are similar in that they are used to identify the source of a product and to distinguish them in the market place and are useful branding tools as they assist consumers in building associations with quality and other characteristics (in other words, the reputation of the products). Some GIs are registered as trademarks as long as they are not descriptive and there are GIs which may consist of a trademark, but this can give rise to conflicts where there are claims of rights based on prior use of the sign.

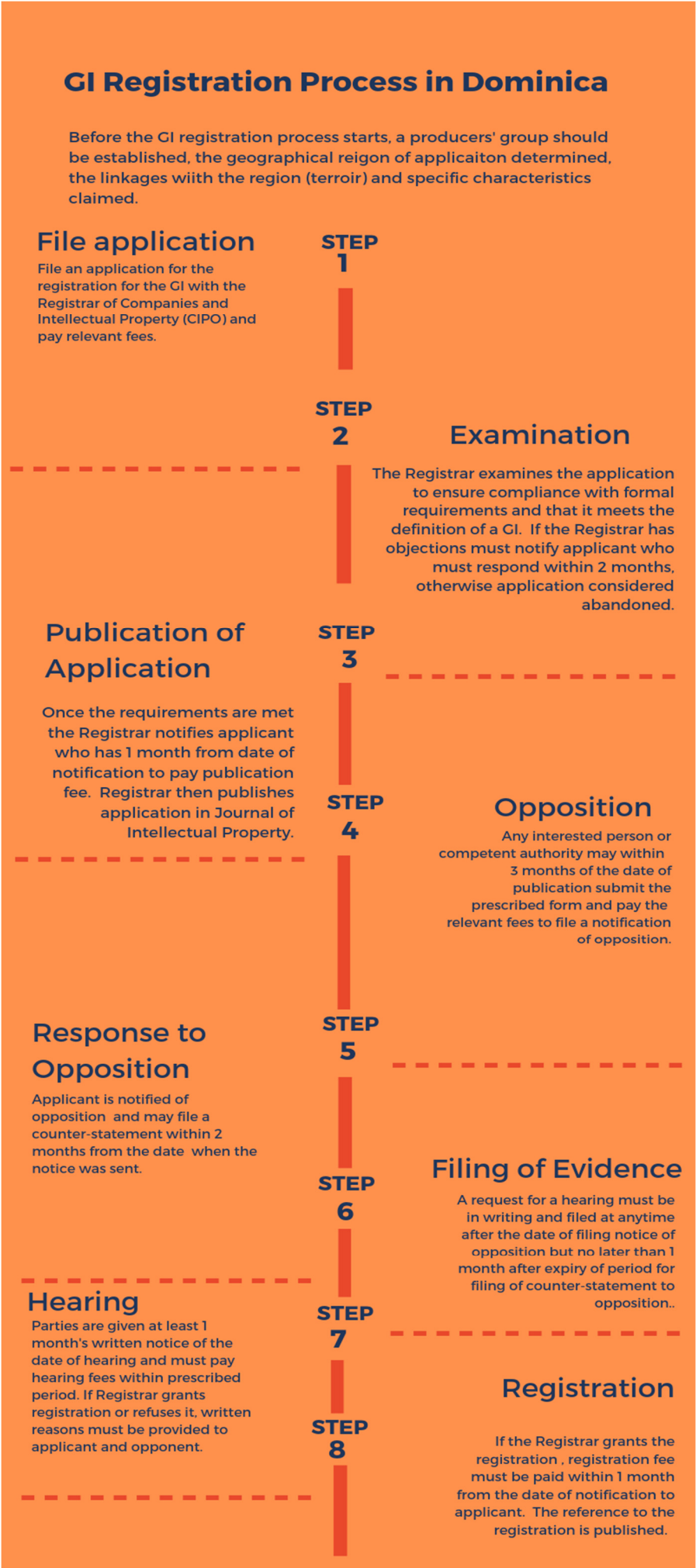
The Dominica GI Act, s. 16 (2) provides that where a trademark has been applied for or registered in good faith or where rights to the trademark were acquired through use in good faith before the date of entry into force of the GI Act 1999 or before the GI was protected in its country of origin, then the provisions of the GI Act 1999 shall not prejudice the registrability or the validity of the registration of a trademark or the right to use a trademark on the grounds that it is identical or similar to a GI.

Table 2 Key Differences: Trademarks, Collective Marks and Geographical Indications

	Trademark	Collective Mark	Geographical Indications
Distinctiveness	Yes	Yes	No – cannot be fanciful
Use	Individual rights owner and licensees	Specified persons but do not have to be located in specific region	Specified producers in specified region
Ownership	Individual	Association	Producers’ group/Association
Licensing	Yes	No	No
Indication of Source	Yes	Yes	Yes
Indication of Quality	No	Yes	Yes
Level of public interest	Low	Low	High



Figure 9 GI Registration Process in Dominica



## 6.4 Passing Off

The trademark you use may not be registered but over time you have been able to develop an association in the minds of consumers with your mark for example for high quality, good prices or good after sales service. In other words, you develop a good reputation or goodwill. However, because you do not have a registered trademark, you cannot rely on trademark legislation to enforce your rights. In some countries you can rely on unfair competition legislation but in common-law countries, as in Dominica, where legislation does not exist as in Dominica, you can rely on the tort of passing off.

Passing off occurs where a competitor misrepresents or passes off their goods or services off as those of another business and in so doing damages the goodwill and/or financial position of that business.

## 7. Strategic Plan for the use of IP tools to Brand and Promote Kalinago Crafts

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This proposed strategic plan seeks to address the weaknesses and threats confronted by Kalinago crafts practitioners as well as provide a framework to capitalise on the strengths of their products and to affect a suitable branding strategy through the implementation of a number of recommendations. In developing the plan, the specific characteristics of the Kalinago craft and its operating environment were considered.

Based on the discussions at the stakeholders' meeting and with DEXIA, the following are proposed as the vision and mission to guide the strategic plan for the branding and promotion of Kalinago crafts.

*[Vision: To be the premier producer of authentic, attractive and trendy Kalinago Craft that contributes to the Kalinago cultural heritage and improvement of livelihoods.]*

*Mission: To produce quality Kalinago Craft through the enhancement of skills, innovation, branding and legal protection thereby contributing to sustainable development and increased income generation.*

# SWOT Analysis

STRENGTHS	WEAKNESSES
Commercially attractive heritage products	No branding/IP protection & monetization strategies
Skills set of artisans and traditional know-how still passed on orally	Lack of interest in craft by youth coupled with declining Kalinago population within the Territory
Market awareness of and demand for product in French Caribbean territories	Organisational/Institutional capacity needs to be revitalised
Physical space in the form of the Barana Autê	Lack of unified approach by craftsmen/Disenchantment
Kalinago craft is one of the few locally made souvenir products	Limited business skills & access to financing
Interest of tourist in Kalinago crafts	Limited distribution channels/capacity
Strong interest in revitalization of Kalinago Craft Association	Weak leadership
	Inconsistencies in quality and lack of standards
	Limited product diversity/designs
OPPORTUNITIES	THREATS
Growth in tourism market with ongoing post hurricane recovery	Sustainability of input materials especially Larouma, calabash and screw pine.
Development of a brand which capitalizes on cultural heritage of Kalinago	Natural disasters
Branded product will attract a premium price	Counterfeit/passed off products
Support of Government and key support agencies	Sharing of traditional skills to artisans in the French Territories

## Sustainability

(i) Inputs:

Kalinago crafts are made from natural materials and even before Hurricane Maria there were challenges sourcing the main materials, Larouma and to a lesser extent calabash. It was reported that screw pine has been scarce for a long time. Dominica is particularly vulnerable to hurricanes and there is a risk of fluctuating supplies in the event of bad weather. Unfortunately, there has been no planned or sustained cultivation to ensure continued supply, which would stabilise production costs and profit margins.

Any strategy to expand the Kalinago craft market fundamentally relies on the availability of the materials used in production. Therefore, it will be challenging to invest in an

intellectual property and branding strategy without first securing the supply of raw materials.

### ***Proposed Strategy - Inputs***

It is recommended that a project is designed to be undertaken by the Ministry of Kalinago Affairs, Kalinago Council, Kalinago Craft Association and the Forestry Division with the relevant funding and technical support from support agencies including for example, the Inter-American Institute for Cooperation on Agriculture (IICA) to cultivate Larouma, calabash, screw pine and other crops used for craft in the Territory and to develop storage techniques and facilities to facilitate consistent supply. To allow for community buy-in and participation, the Kalinago Craft Association could take a lead role in implementing a programme for the care of these crops by members of the Kalinago community who would also learn the appropriate harvesting techniques. Once a commercial level of production is reached then a retail strategy can be developed.

#### **(ii) Skilled Crafts Practitioners**

The craft tradition has been passed down orally over many generations but unfortunately, the interest in working in craft has diminished among the youth and is mainly practised by older people, predominantly females. According to census information, the population of the Kalinago Territory comprises primarily young people, therefore, if the traditions are to be maintained effort needs to be made to capture the interest and participation of the youth. The situation is illustrated in an analysis of participation in an awareness meeting for this project, as there were 73 persons in attendance of which 56 were female and 10 persons were under 30 years old and 31 were over 50 years old.

Coupled with the above, the Territory grapples with high levels of poverty but as the level of education increases so too employment opportunities outside of the Territory are expanding. This is along with the fact of the high level of risk and uncertainty of the craft industry. Capturing the interest of young people in craft will be in large part dependent on:

- the success of a branding programme to increase the level of sales and income generated
- educating and sensitising young Kalinago about the value of their craft as a traditional cultural expression
- teaching craft making from a young age in the schools to the Kalinago

### ***Proposed Strategy – Skilled Craft Practitioners***

To promote sustainability in terms of the practice of craft production it is recommended that a programme is established in the Kalinago primary schools to introduce students to techniques and to generate interest. To facilitate continued learning, for older students there should be an after-school programme so that those who are interested are encouraged to continue developing their skills. These educational programmes could be taught by members of the Kalinago Craft Association and supported by the MOKA and the Ministry of Education. Consideration should also be given to the documentation by the Kalinago Craft Association of the traditional techniques to ensure that knowledge is preserved.

## Capacity building

### (i) Business & Creative Skills Development

The Kalinago crafts practitioners are without a doubt technically skilled but based on interviews with various stakeholders there is a weakness as far as their business skills are concerned in terms of:

- i. supplies management, with inconsistent supplies
- ii. pricing is not strategic taking into account input costs and profit margins so re-sellers face constraints in pricing to the final consumer
- iii. the absence of labelling or marks to distinguish the Kalinago products in the market or individual producers
- iv. there are not quality assurance standards applied so that the consistency of product from each crafts producer will vary

In terms of creative skills, the primary shortcoming identified concerns design innovation:

- v. there is little innovation in terms of the designs applied to products and in terms of the types of products so that from vendor to vendor the same indistinguishable products are sold with perhaps only differences in terms of the finished product.

### (ii) ***Proposed Strategy - Business & Creative Skills Development***

The Kalinago crafts practitioners have benefited from training programmes which specifically sought to develop business skills at varying levels from time to time. However, for education and training to effect change, there must be opportunities for continued training and assessment. In this regard, it is recommended that a multi-level (introductory, intermediate and advanced) business skills community training programme is created and offered repeatedly to not only the Kalinago craftsmen but local crafts people generally. This programme could be developed and implemented by the National Development Foundation and DEXIA.



Similarly, a creative skills training programme specifically for Kalinago crafts persons which focuses on innovation and design can also be developed which looks at design in terms of different types of products and product features, the aesthetics of the various products and understanding and responding to design requirements in the market whilst staying true to the fundamental traditions and techniques of Kalinago craft. Again, it is understood that this type of training will be held repeatedly at specific intervals to facilitate continuous learning. This programme should be led by the Kalinago Craft Association and the National Development Foundation with assistance as required from MOKA and DEXIA.

### ***(iii) Proposed Strategy - Organisational Strengthening***

The Kalinago Craft Association became defunct but there is an ongoing effort to revitalise it. It is important that there is a trade organisation to support craft production, represent the interests of crafts people with a cohesive voice; propose, design, support and execute relevant projects, training and trade events. Unfortunately, the continued concern with the Association which speaks to its sustainability, is the leadership and capacity in terms of its governance. The executive is drawn from among crafts people, who for the most part have weak business skills and lack experience in the management of an organisation, furthermore, the Association is not in a position to hire professional management.

### ***Proposed strategy - Business & Creative Skills Development***

Organisational governance and leadership is not a challenge which is unique to the Craft Association but is often endemic in many trade, sports, community and other associations. Therefore, there is the opportunity to develop a training and capacity building programme for local associations generally. This programme would look at corporate governance, strategy development and planning, leadership and basic financial management. Again, as with all training programmes herein proposed, the idea is that these are not one-off activities but substantive, repeated programmes looking at the various topics in detail. This type of training can be led by DEXIA and designed and supported through an organisation such as the Caribbean Governance institute and the local Community College or similar training institution. The OECS Secretariat may be interested in supporting this type of programme at the regional level. A further outcome would be the establishment of local standards concerning issues of transparency, disclosure and good governance which may help to promote organisational sustainability.

## Administrative/Management System for Management of a Geographical Indication and/or Collective Mark

### Geographical Indication or Collective Mark?

The criteria which determines the legal system to protect the Kalinago craft takes into consideration the similarities and differences of using *sui generis* (specific) GI legislation or using the trademark system as shown in Table 2. There are some other considerations. A *sui generis* system is obviously designed specifically to offer protection to OLPs but there is no international system of protection for GIs and protection is offered only on a territorial basis and subject to bi-lateral treaties for protection across borders. Furthermore, key markets, principally the USA does not offer GI protection and instead the trademark system has to be relied on.

### ***Proposed Strategy***

Dominica has legislation for both GIs and collective marks. It is proposed given the capacity and financial constraints coupled with the limited direct marketing and sales in other territories, that in the first instance, a collective mark is pursued as this form of intellectual property right is available in all key markets (also see proposed strategy vis-à-vis the French Territories below). This means that available resources can be focused on the management of one form of IPR instead of multiple approaches. Additionally, collective mark registration should initially be sought in Dominica and France only. This is because of the costs involved but also the need to have the resources to effectively monitor and enforcement rights as necessary and as will be shown below, to develop the brand.

With time and the development of the Kalinago craft brand, revenue growth and enhanced capacity, consideration can be given to the registration of a GI.

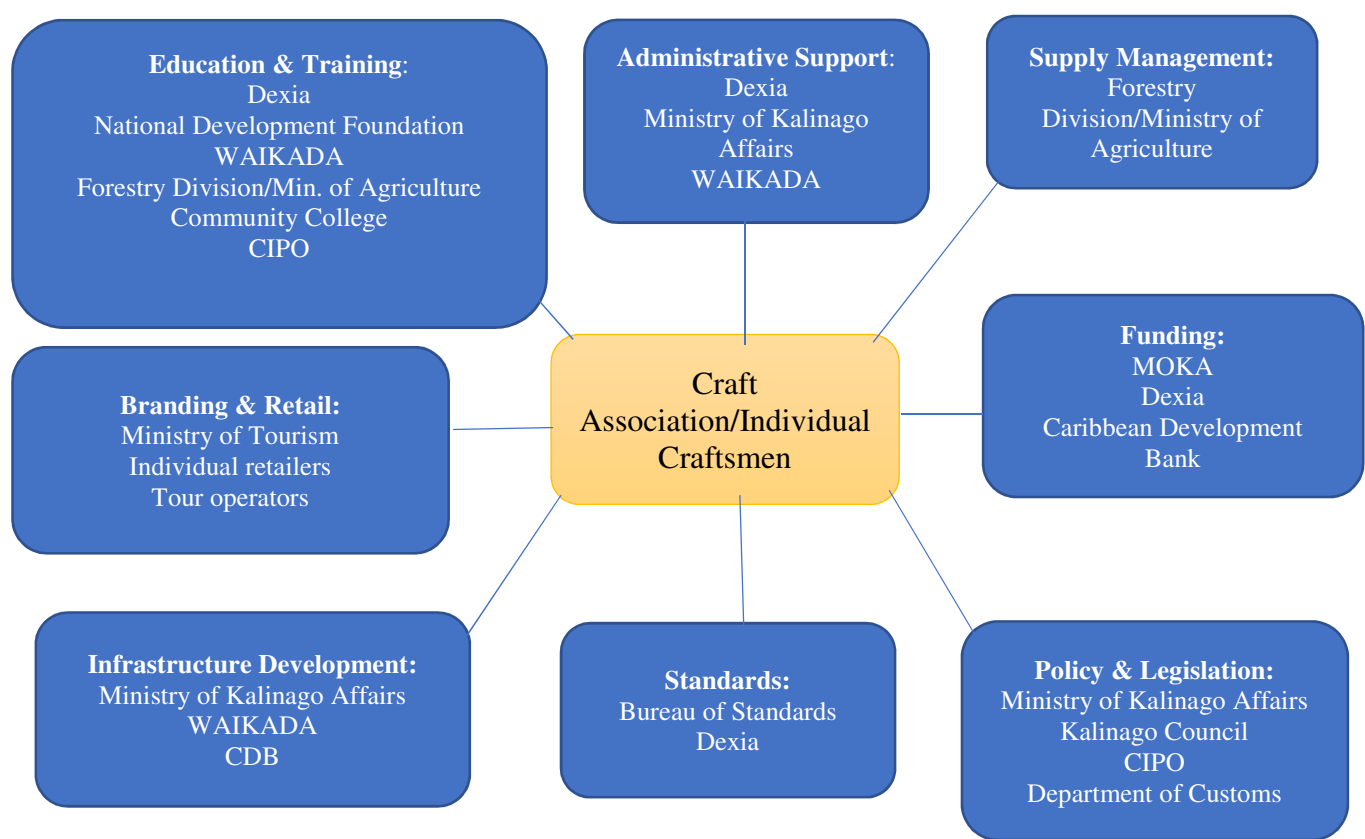
### Administrative Mechanism

There is usually an association of grouping of producers (as defined in the legislation) to allow for collective action and organisation and management of the supply chain. Therefore, to successfully implement a GI or collective mark means that all the producers in the supply chain must adhere to product specifications and these are generally stipulated through a code of practice/regulations. The producer association will usually apply for the GI and will be responsible for the demarcation of the relevant territory to which the GI will apply, articulating the specific characteristics of the product, develop the code of practice and establish a quality control system. The above is premised on cooperation not only among producers and commitment to a shared vision but also by the various support organisations whose input is required for the success of the IPR and branding strategies.

Over the years the Kalinago have benefited and continue to benefit from the support of key agencies and the success of an OLP protection and branding strategy will depend on the cooperation of these and other agencies, each playing specific roles with clear lines of communication. Unfortunately, based on the various interviews, it seems that there have been challenges in terms of:

- i. A lack of a cohesive approach
- ii. A lack of clarity in terms of the roles and responsibilities of some entities
- iii. Internecine quarrels
  - i. Overlap in focus
  - ii. The demise of the trade association

Figure 10 Kalinago Craft Association/Craftsmen Stakeholder Mapping



**Proposed Strategy**

The proposed collective mark should be owned by the Kalinago Craft Association. However, until the Association is strengthened and possesses the required internal capacity it will need some hand-holding. In this regard, it is recommended that DEXIA should take this role and assist with:

- 1. A review of the bylaws

2. Definition of the supply and value chain for Kalinago craft
3. Determine scope of use of collective mark
4. Collaboration with the Bureau of Standards to develop relevant standards
5. Drafting of regulations for the management of the collective mark
6. Establishment of a quality control system
7. Issue approval of the use of the mark
8. Establish and collect associated usage fees
9. Publish regular reports on market activity, sales and usage of the mark

In order to limit disagreement among the various parties by ensuring their participation and to encourage a cohesive approach it is recommended that a model similar to that employed in India with the Tea Board which oversees the growing and export of Darjeeling tea is employed. Under the proposed model:

1. There should be established a Kalinago Craft Board comprising a representative from:

- Kalinago Craft Association
- DEXIA
- Kalinago council
- Bureau of Standards
- Ministry of Kalinago Affairs
- Forestry Division

Observers/supporting the board will be a representative of:

- CIPO
- Department of Customs
- Ministry of Tourism

The Board will have responsibility for:

- Overseeing the implementation of the quality control system
- Determining appeals against any sanctions applied by the Craft Association
- Controlling the local sale and the export of goods bearing the mark
- Proposing and supporting the execution and participation in trade events
- Proposing and support educational and capacity building programmes
- Assisting the Craft Association with the implementation of a monitoring and enforcement system locally and internationally
- Developing and overseeing the implementation of a branding programme for Kalinago craft

Given the limited financial resources, the expenses of managing the collective mark, including the expenses of the Board which cannot be met by usage fees, should initially be supported by Government.

### Brand and Market Development

As was previously noted, the Kalinago crafts persons do not apply any visual branding on their products and little design innovation so that the work of one artisan is not distinguished from another. There is therefore an assumption on the part of the consumer that genuine Kalinago craft is being purchased and not counterfeit products. Whether inside the Territory or without, the Kalinago craft is showcased side by side with mass-produced souvenirs of non-Dominican origin. Unless tourists are educated that there is something special about the craft; they find the designs attractive or just want to have a souvenir item, there is nothing to encourage sales. Furthermore, in light of the reports that: (a) Larouma is grown in the French Territories, or at least Martinique (b) Kalinago artisans have been transferring their skills to other crafts people (c) besides tourists to Dominica, the French Territories are the largest export market (d) the craft is sold for higher prices in the French Territories.

The reported decline in total gross-value added of Kalinago craft may be as a result of:

1. Challenges sourcing materials;
2. A shift from the industry by artisans following Hurricane Maria and of course,
3. The absence of effective branding and marketing.

The application of a collective mark aims to reverse this situation along with supply management, capacity building and quality control, success all of which will largely depend on the implementation of a branding and marketing programme. A brand represents who you are and how you are perceived. It represents your reputation in the market. The brand is only partially represented by the mark or logo applied to the craft, but the mark will play an important role in allowing consumers to identify the craft, that it is genuine and in so doing build brand association with traditional, hand-made artisan product. Financially a strong brand translates in the ability to charge higher prices, expand market share and achieve increased cash flow and profits.

Once a branding strategy is implemented with all the visual elements then a marketing plan which should include visibility in tourism advertising to build awareness of the brand and mark in Dominica.



### ***Proposed strategy***

It is proposed that the Kalinago Craft Association, the proposed Kalinago Craft Board with the assistance of MOKA and DEXIA, engage a branding and marketing expert to:

1. assist with the development of a logo/mark, the brand concept and verbal elements to be used in marketing and advertising with a global audience
2. design a public awareness and education programme for the artisans, general public, tourism officials, tour operators and vendors

### ***The French Territories***

In relation to the French Territories, there will need to be a specific strategy. First the Kalinago need to appreciate the value of their skill and immediately cease sharing their knowledge with their French counterparts as:

1. They are creating competitors
2. The brand which is being created will suffer from dilution from a product which is indistinguishable other than branding

However, as there are already persons in the French Territories who have attained the relevant skills, it may be too late to prevent further production. In that case significant effort will have to be placed in:

1. Educating the public on the products, brand and accompanying mark
2. Monitoring and controlling activity concerning Kalinago craft in the French territories and maybe having to take legal action to enforce rights.

### ***Proposed Strategy***

Consider collaboration with the artisans in the French Territories and having them as members of the craft association who are entitled to apply the logo/mark on craft made in accordance with the Kalinago traditions and which meet the quality standards established. This approach would reduce the costs (financial and administrative) to monitor and control activity in the French Territories but would mean extending quality control systems to those territories and the education and public awareness initiatives to build brand awareness. There would also have to be a system to expose the French to training but in a planned manner. But there could be other benefits as well in terms of market expansion:

- i. Access to the local and tourist markets in the French territories
- ii. Access to the continental French market via the French territories
- iii. Access to Larouma supplies from Martinique (and Guadeloupe) which would assist in addressing fluctuations in supply and sales
- iv. Artisans and retailers with a vested interest will play a key role in terms of monitoring activities in those territories.

This strategy for the French Territories is sensitive but pragmatic as it seeks to re-take control of a key market and could achieve the benefits mentioned above.

**Table 3 Summary of Recommendations**

Short term: less than 12 months    Medium term: 12 – 36 months    Long term: more than 36 months

Challenge	Recommendation	Responsibility	Time Frame
<b>Sustainability</b>	<p>1.Cultivation of Larouma, calabash, screw pine and other crops used for craft in the Territory and to develop storage techniques and facilities to facilitate consistent supply.</p> <p>2.Establishment of a programme in the Kalinago primary schools to introduce students to techniques and to generate interest. To facilitate continued learning, for older students there should be an after-school programme so that those who are interested are encouraged to continue developing their skills.</p>	<ul style="list-style-type: none"> <li>Ministry of Kalinago Affairs supported by: <ul style="list-style-type: none"> <li>Kalinago Council</li> <li>Kalinago Craft Association</li> <li>Forestry Division</li> </ul> </li> <li>Kalinago Craft Association supported by: <ul style="list-style-type: none"> <li>MOKA</li> <li>Ministry of Education</li> </ul> </li> </ul>	Short-term, ongoing activity
<b>Capacity building</b>	1(a) Creation of a multi-level (introductory, intermediate and advanced) business skills community training programme	<ul style="list-style-type: none"> <li>NDFD supported by: <ul style="list-style-type: none"> <li>DEXIA</li> </ul> </li> </ul>	Short-term, ongoing

Challenge	Recommendation	Responsibility	Time Frame
	<p>1(b) Establish a creative skills training programme specifically for the Kalinago craftsmen which focuses on innovation and design can also be developed which looks at design in terms of different types of products and product features, the aesthetics of the various products and understanding and responding to design requirements in the market.</p> <p>2. Develop a training and capacity building programme for local associations generally.</p>	<ul style="list-style-type: none"> <li>• Kalinago Craft Association supported by:</li> <li>• NDFD</li> <li>• MOKA</li> <li>• DEXIA</li> <li>• DEXIA with the support of:</li> <li>• Caribbean Governance Institute</li> <li>• OECS Secretariat</li> <li>• Community College</li> </ul>	Short-term with courses held intermittently

Challenge	Recommendation	Responsibility	Time Frame
<b>Administrative and Management System for:</b> <b>(a) Collective mark</b> <b>(b) GI</b>	<p>Given the capacity and financial constraints coupled with the limited direct marketing and sales in other territories, that in the first instance, a collective mark is pursued as this form of intellectual property right is available in all key markets.</p> <p>A GI can be registered later once the financial and administrative resources are available.</p> <p>The proposed collective mark should be owned by the Kalinago Craft Association and hand-holding to assistance.</p> <p>A Kalinago Craft Association should be established to</p>	<ul style="list-style-type: none"> <li>• Kalinago Craft Association</li> <li>• DEXIA</li> <li>• Kalinago council</li> <li>• Bureau of Standards</li> <li>• Ministry of Kalinago Affairs</li> <li>• Forestry Division</li> <li>• CIPO</li> <li>• Ministry of Tourism</li> <li>• Department of Customs</li> </ul>	Short-Medium term
<b>Branding &amp; Marketing Strategy</b>	<p>Engage a branding and marketing expert to:</p> <p>1(a) assist with the development of a logo/mark, the brand concept and verbal elements to be used in marketing and advertising with a global audience</p> <p>1(b) design a public awareness and education programme for the artisans, general public, tourism officials, tour operators and vendors</p> <p>2. Consider collaboration with the artisans in the French Territories and having them as members of the craft association who are entitled to apply the logo/mark on craft made in accordance with the Kalinago traditions and which meet the quality standards established.</p>	<ul style="list-style-type: none"> <li>• Kalinago Craft Association</li> <li>• Kalinago Craft Board</li> <li>• Dexia</li> <li>• MOKA</li> </ul>	Short-Medium Term



Challenge	Recommendation	Responsibility	Time Frame
<b>New Business Initiatives</b>	<ul style="list-style-type: none"> <li>• Design and implement a green procurement initiative with the public sector and the Kalinago Crafts Association</li> <li>• Extend green procurement initiative to the private sector such as hotels, guest houses, villas, restaurants</li> </ul>	<ul style="list-style-type: none"> <li>• Kalinago Crafts Association</li> <li>• Kalinago Council</li> <li>• MOKA</li> <li>• DEXIA</li> </ul>	Short term to medium term

## 8. Action Plan

Objectives	Tasks	Notes	Success Criteria	Time Frame	Resources
<b>1. Sustainability:</b>					
<b>Supply of materials used in craft production</b>	<ul style="list-style-type: none"> <li>Mapping and description of use of all raw materials used</li> <li>Standards for the harvesting, processing &amp; storage of materials</li> <li>Study on use of climate smart technology and resilience</li> </ul>	<i>There is an on-going Kalinago Territory Climate Smart Agriculture Project climate in addition to a broader National Climate Smart Technology and Resilience programme. This intervention foresees taking advantage of that programme.</i>	<ul style="list-style-type: none"> <li>GIS Map of production areas</li> <li>Use by Kalinago of various materials documented</li> <li>Established standards for harvesting, processing and storage</li> <li>Plan for implementation of climate smart technology</li> <li>Application submitted to GEF/SGP for funding</li> </ul>	<ul style="list-style-type: none"> <li>Short-term</li> </ul>	<ul style="list-style-type: none"> <li>Global Environment Facility/ Small Grants programme</li> </ul>
<b>Teaching of craft techniques in schools to young Kalinago</b>	<ul style="list-style-type: none"> <li>Development of a curriculum</li> </ul>		<ul style="list-style-type: none"> <li>Younger persons pursue careers in crafts</li> </ul>	<ul style="list-style-type: none"> <li>Medium term</li> </ul>	<ul style="list-style-type: none"> <li>Kalinago Crafts Association</li> <li>Ministry of Education</li> <li>DEXIA</li> </ul>

Objectives	Tasks	Notes	Success Criteria	Time Frame	Resources
	<ul style="list-style-type: none"> <li>Identification of tutors</li> </ul>				
<b>2. Capacity building:</b>					
<b>Creative skill development</b>	<ul style="list-style-type: none"> <li>Creative skills audit</li> <li>Documentation of all designs and products of Kalinago</li> </ul>		<ul style="list-style-type: none"> <li>Number of persons successfully trained</li> <li>Number of new products introduced</li> </ul>	<ul style="list-style-type: none"> <li>Short term</li> </ul>	<ul style="list-style-type: none"> <li>DEXIA/MOKA</li> </ul>
	<ul style="list-style-type: none"> <li>OECS online training for designers &amp; producers of craft</li> </ul>	<i>Limited space so maximum of 2 participants. Starting April 9, 2019 and requires: IT skills, Internet access</i>	<ul style="list-style-type: none"> <li>Successful completion of programme by Kalinago representatives</li> </ul>	<ul style="list-style-type: none"> <li>Short term</li> </ul>	<ul style="list-style-type: none"> <li>OECS Secretariat/DEXIA</li> </ul>
	<ul style="list-style-type: none"> <li>Documentary recording</li> </ul>		<ul style="list-style-type: none"> <li>Updated catalogue of Kalinago products</li> <li>Documentary accessible to the public in various media formats</li> </ul>	<ul style="list-style-type: none"> <li>Medium term</li> </ul>	<ul style="list-style-type: none"> <li>DEXIA/MOKA</li> </ul>
	<ul style="list-style-type: none"> <li>Design &amp; implement creative skills training (3-month programme):</li> </ul>		<ul style="list-style-type: none"> <li>Number of participants successfully</li> </ul>	<ul style="list-style-type: none"> <li>Medium term</li> </ul>	<ul style="list-style-type: none"> <li>Government of Colombia*</li> <li>UNESCO</li> <li>UN Women</li> </ul>

Objectives	Tasks	Notes	Success Criteria	Time Frame	Resources
	<ul style="list-style-type: none"> <li>(a) New product development and design</li> <li>(b) Quality assurance</li> <li>(c) Gender, youth and network development focus</li> </ul>		<ul style="list-style-type: none"> <li>• completing training</li> </ul>		
<b>Implementation of principles of Good Governance</b>	<ul style="list-style-type: none"> <li>• Seek participation in Compete Caribbean cluster capacity building programme</li> </ul>	<i>This is an ongoing programme with DEXIA and foresees some piggy-backing by the Kalinago Craft Association [and possibly the Kalinago Council]</i>	<ul style="list-style-type: none"> <li>• Number of participants successfully completing training</li> </ul>	Short-term	<ul style="list-style-type: none"> <li>• Compete Caribbean/DEXIA</li> </ul>
	<ul style="list-style-type: none"> <li>• Design and implementation of good governance training programme for not-for-profit organisations and associations</li> </ul>	<i>Specialised training programme which targets not only the Kalinago but other organisations in need of such training.</i>	<ul style="list-style-type: none"> <li>• Number of participants successfully completing training</li> </ul>		<ul style="list-style-type: none"> <li>• OECS Secretariat/IICA/UN Women/DEXIA</li> </ul>

Objectives	Tasks	Notes	Success Criteria	Time Frame	Resources
<b>Business Skills Training</b>	<ul style="list-style-type: none"> <li>Design and implementation of business skills training programme</li> </ul>	<p><i>This will target a broader audience beyond the Kalinago</i></p> <p><i>The programme will be graduated so that students can advance their learning according to their ability (and interest)</i></p>	<ul style="list-style-type: none"> <li>Number of students successfully completing training</li> </ul>	Short term	<ul style="list-style-type: none"> <li>CEDA/ OECS Secretariat/ Competitiveness Unit/Constituency Empowerment Council/MOKA</li> </ul>
<b>Branding</b>					
<b>Collective mark for Kalinago Craft</b>	<ul style="list-style-type: none"> <li>Develop a logo for the Association</li> </ul>	<p><i>Registration in Dominica in the first instance then in France. DEXIA to provide assistance</i></p>	<ul style="list-style-type: none"> <li>Registered logo associated with the collective mark</li> </ul>	Short term	<ul style="list-style-type: none"> <li>DEXIA/CIPO/Kalinago Craft Association</li> </ul>
	<ul style="list-style-type: none"> <li>Registration as a collective mark locally and in France</li> </ul>				
	<ul style="list-style-type: none"> <li>Collaborate with the Bureau of</li> </ul>		<ul style="list-style-type: none"> <li>Standards developed by the</li> </ul>	Short term	<ul style="list-style-type: none"> <li>DEXIA/Bureau of Standards</li> </ul>

Objectives	Tasks	Notes	Success Criteria	Time Frame	Resources
	Standards to develop standards to be associated with the mark		Bureau of Standards in collaboration with the Kalinago Crafts Association		
	<ul style="list-style-type: none"> <li>Ascertains as part of the standards how members will affix the mark on various crafts items</li> </ul>		<ul style="list-style-type: none"> <li>Agreed strategy for affixing the mark on products</li> </ul>	Short term	
	<ul style="list-style-type: none"> <li>Develop a monitoring and policing plan to determine members' conformity to the standards and eligibility to continue to use the mark</li> </ul>		<ul style="list-style-type: none"> <li>Guidelines for use of the Mark (application to use the mark, fees if any) and penalties for non-conformity</li> </ul>	Short term	<ul style="list-style-type: none"> <li>DEXIA/Kalinago Craft Association</li> </ul>
	<ul style="list-style-type: none"> <li>Design a public awareness and education programme associated with the mark at various levels and sectors</li> </ul>		<ul style="list-style-type: none"> <li>At least 3 information and communication kits developed for different media to sensitise the public about the Mark and the</li> </ul>	Short term	<ul style="list-style-type: none"> <li>DEXIA/MOKA/CIPO/Kalinago Craft Association</li> </ul>

Objectives	Tasks	Notes	Success Criteria	Time Frame	Resources
			products (print, TV, social media)		
<b>New Business Initiatives</b>					
<b>Green Procurement project</b>	<ul style="list-style-type: none"> <li>Design and implement a green procurement initiative with the public sector and the Kalinago Crafts Association</li> </ul>	<i>Focus on the public sector in the short term but capacity should be built for the Association to negotiate such contracts with the private sector</i>	<ul style="list-style-type: none"> <li>Kalinago Crafts Council supplying wastepaper baskets to the public sector</li> </ul>	Short to medium term	<ul style="list-style-type: none"> <li>DEXIA/Kalinago Craft Association/MOKA</li> </ul>
<b>Extension of use of Collective Mark to French market</b>	<ul style="list-style-type: none"> <li>Develop a strategy for inclusion of Crafts persons in French territories who develop products with the Larouma to use the mark</li> </ul>	<i>To include systems for knowledge sharing, quality assurance, monitoring &amp; evaluation and enforcement of regulations</i>	<ul style="list-style-type: none"> <li>Crafts persons in the French Territories are members of the Association</li> </ul>	Medium term	<ul style="list-style-type: none"> <li>DEXIA/Kalinago Craft Association/CEDA/Interreg</li> </ul>
<b>Joint marketing &amp; sales initiative with French Caribbean Territories</b>	<ul style="list-style-type: none"> <li>Implementation of a formal agreement between Kalinago Craft Association</li> </ul>		<ul style="list-style-type: none"> <li>Formal arrangement with stakeholders in French territories</li> </ul>	Medium term	



Objectives	Tasks	Notes	Success Criteria	Time Frame	Resources
	and French colleagues				

\*This seeks to take advantage of the provisions of the Agreement on Trade, Economic and Technical Cooperation between the Caribbean Community (CARICOM) and the Government of the Republic of Colombia, the expertise in handicraft including indigenous craft in Colombia and opportunities for training.

## 9. Future Development

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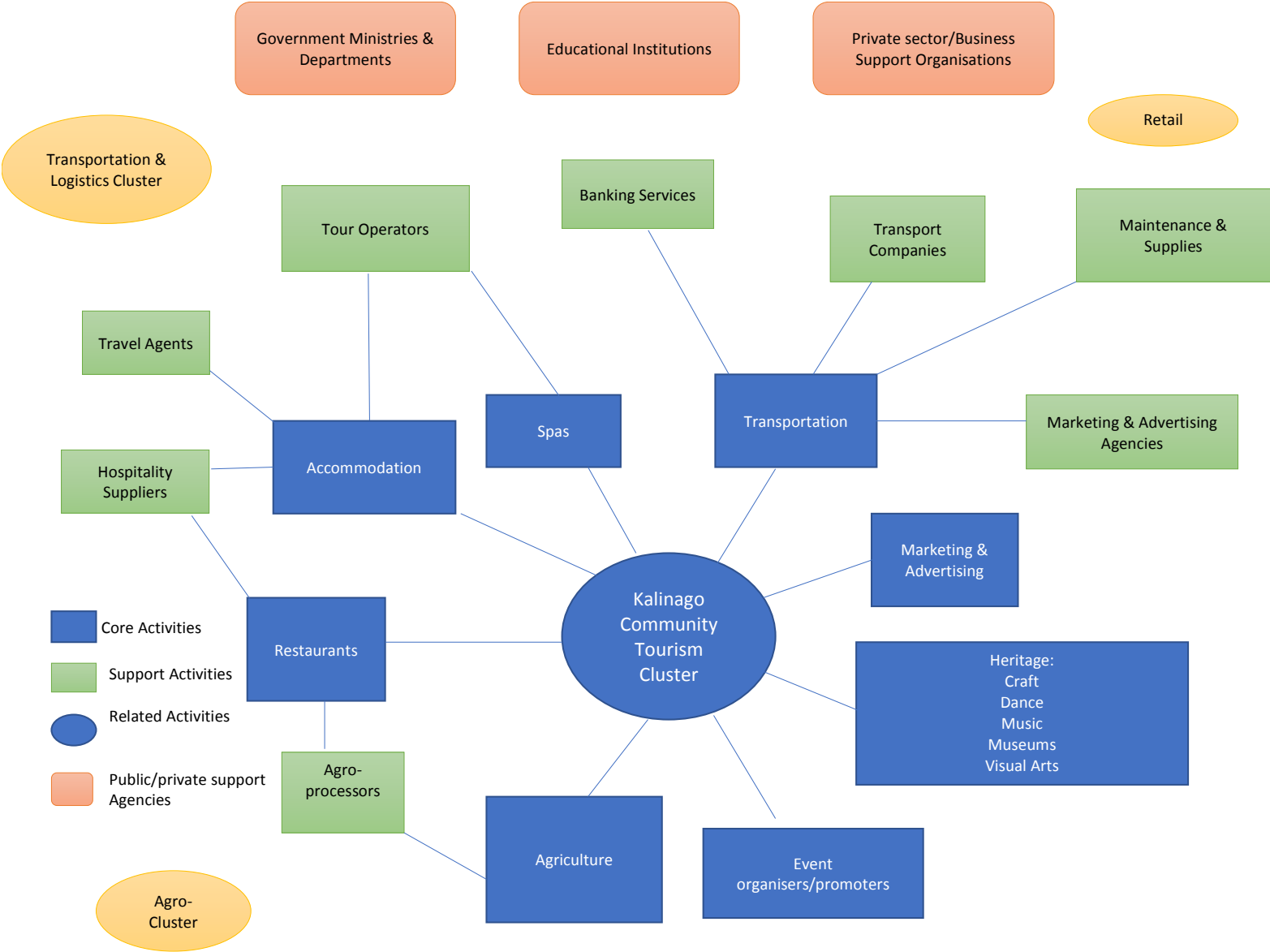
The focus of the work done under this project was on the development of a system for the protection and commercialisation of Kalinago Craft as an OLP. The Kalinago Territory has been the subject of multiple economic development initiatives some of which have been tourism focused such as the creation of the Barana Autê and home-stay for an authentic Kalinago experience. There is however, the opportunity to develop a cohesive, sustainable community-based tourism (CBT) cluster programme in the region which would:

1. Increase the direct participation and investment of the Kalinago in their own development;
2. Utilise the specific cultural heritage assets of the Kalinago
3. Empower the Kalinago community
4. Increase rural employment & development
5. Develop sector linkages
6. Diversify and strengthen the tourism product
7. Promote the preservation and appreciation for Kalinago heritage

The future development of a CBT could be built on the success of the Kalinago Craft project and the lessons learnt, skills developed, and administrative capacity developed. A cluster is a group of similar and related firms in a defined geographic region taking advantage of proximity to workforce, specialised skills, resources, suppliers, consumers and competitors and thereby access to economies of scale. A tourism cluster is defined as,

*A group of highlighted tourism attractions within a limited geographic space provided with high quality equipment and services, social and political cohesion, linkage between productive chain and associative culture, and excellent management in company nets that bring about comparative and competitive strategic advantages. (Beni, 2003 as cited in Estêvão and Ferreira 2009, 2009)*

Figure 11 Potential Kalinago CBT Cluster



## Annex 1 - Persons Interviewed

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- Roland Royer, Chief Technical Officer, Ministry of Tourism and Culture
- Cozier P. Frederick, Kalinago Development Officer, Ministry of Kalinago Affairs
- Dr. Steve John, Dominica Bureau of Standards
- Charles Williams, Kalinago Chief
- Kalinago Council members
- Lloyd Pascal, Head - Export Promotion & Development Department, DEXIA
- President & Vice President, Kalinago Craft Association
- Division of Forestry, Bradley Guye
- Garnet Joseph, Former Kalinago Chief
- Wilma Davies, Wilma's Souvenirs, Craft Vendor, Old Market, Roseau

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