

# Geographical Indications In Brazil: Consolidation Of Their Guidelines And Procedures For Registration

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## Abstract

**Background:** Geographical Indications (GIs) in Brazil play a crucial role in the protection and valorization of products that have distinct characteristics in their origin and provenance in certain regions. To ensure the effectiveness and legal security of these protections, it is essential to consolidate the guidelines and procedures for their registration. This article aims to present and discuss the guidelines and procedures for the registration of geographical indications in Brazil, aiming to contribute to the consolidation and strengthening of the GI protection system in Brazil.

**Materials and Methods:** The article sought to understand how the registration process has been conducted, identify possible gaps and existing challenges, taking as a reference the need to elucidate the importance and dimension of the Geographical Indication registration in Brazil.

**Results:** The results show how it is possible to identify a GI and what the procedures and steps are for its application and documentation of the registration request, highlighting that these procedures and standards are essential to guarantee the protection and valorization of products that have unique characteristics of origin and provenance, linked to geographic regions.

**Conclusion:** It is concluded that the GI registration system can be improved, however it is noted that it guarantees efficiency and transparency in the process, and promotes regional development, preservation of the culture of specific communities, valuing Brazilian products in the national and international markets. Providing social and economic benefits.

**Key Word:** Geographical Indication; Brazil; Standards; Registration

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## I. Introduction

The process of granting the registration of Geographical Indications is conducted by the National Institute of Industrial Property (INPI), as it follows the guidelines established in the Normative Instruction INPI No. 95, dated December 28, 2018. This registration, issued by the INPI, is valid exclusively in Brazilian territory and guarantees protection for an indefinite period. However, Geographical Indications recognized in Brazil may be protected in other countries or blocks of countries through registration, as long as they comply with the standards established by each jurisdiction or through international agreements [1].

The Geographical Indication (GI) is characterized as a legal and marketing instrument that aims to protect and promote products that have specific characteristics and that are produced in a certain geographic region. The GI can be divided into two main categories: the Indication of Origin (IP) and the Denomination of Origin (DO) [2].

Geographical Indications are important tools for economic and social development, since they promote the valorization of local territories and communities, and encourage sustainable production and the preservation of culture and the environment, contributing to the promotion of product quality and competitiveness in the domestic and foreign markets. Therefore, the consolidation of guidelines and procedures for registering GIs in Brazil is crucial to guarantee the effectiveness and legal security of these seals, and it is necessary to establish clear and objective criteria for granting them, as well as to promote the dissemination and valorization of certified products [3].

In view of this, it is understood that it is essential that producers, representative entities and entrepreneurs in Brazil are aware of the requirements and steps necessary to obtain the registration of a Geographical Indication, thus ensuring the protection and valorization of their products. Therefore, the consolidation of guidelines and procedures for registering GIs in Brazil is a challenge and requires the collaboration of all involved, since the protection and valorization of products with GI are fundamental to strengthening the identity and competitiveness of Brazilian territories, promoting sustainable development and the preservation of cultural diversity.

This article aims to present the main guidelines and procedures for registering geographical indications in Brazil, aiming to contribute to the consolidation and strengthening of the GI protection system in Brazil. The article sought to understand how the registration process has been conducted, identify possible gaps and existing challenges, taking as a reference the need to elucidate the importance and dimension of the registration of Geographical Indication in Brazil for the promotion of the identity and quality of Brazilian products.

## **II. Material And Methods**

The methodology used in this article is a bibliographic review on the topic of Geographical Indications in Brazil, which will address the themes that culminate in the answers to the article's objective. It is worth noting that bibliographic research encompasses the search, selection and analysis of information that comes from bibliographic sources, which may be through articles, theses, dissertations, books and other texts, and is essential for the theoretical basis of a study, as it provides support for the construction of arguments and conclusions.

According to [4], bibliographic research is characterized as a research technique that serves to identify and analyze information that already exists in information sources, through a structured process. This type of research is essential for exploratory investigations, enabling the researcher to contextualize the content, identify knowledge gaps and substantiate analyses.

According to [5], bibliographic research is crucial for the development of a solid and up-to-date theoretical framework, since it can provide a better basis for problematizing and discussing the object of study. This type of research highlights the importance of careful research, allowing for the selection and evaluation of information sources in a critical and reflective manner.

In order to better understand the concept of Geographical Indication and its importance for the protection and promotion of products from various Brazilian regions, it is essential to analyze the contributions of various authors. Table 1 below presents a summary of the sections that make up this article.

**Table 1: Summary of the article sections**

Section	Content	Key Questions
<b>Introduction</b>	Presentation of information on the topic, justification and objective of the study	What is the study about? Why was the research done? What is the aim of the study?
<b>Methodology</b>	Description of the type of study and the procedures that will be used	How was the study carried out?
<b>Results and Discussions</b>	Presentation of results and interpretation	What was found? What facts did the investigation reveal?
<b>Conclusion</b>	Conclusion based on the results and objective of the study	What do the results presented mean? What does the study add to what was already known about the subject?

Source: Prepared by the authors (2023)

Table 1 presents the sections covered in the article, the content to be covered and the key questions that were answered according to the presentation of each section, with the aim of facilitating the readers' understanding of the topic addressed. It can be noted that the introduction addresses the main information on the topic, with justification and objective of the article; the methodology addresses the description of the study and the procedures used; the results and discussions address the results with an interpretation of the topic responding to the research objective; and the conclusion based on the results concludes with suggestions for future research

The results and discussions section will cover the following subsections:

- Identification of a Potential Geographical Indication: where concepts on Geographical Indication will be presented, highlighting the originality and distinction of products from specific geographic regions, whose characteristics are unique due to the place where they are produced.
- Brazilian Legislation on Geographical Indications: This subsection highlights the law that governs Geographical Indications, such as the INPI and the National Institute for the Defense of Competition and Protection of Intellectual Property (INDECOPI). Procedures and standards for the Registration of Geographical

Indications in Brazil: The procedures, standards and guidelines established for the registration of Geographical Indications in Brazil were presented, highlighting the necessary steps and requirements for requesting the GI.

• Future Perspectives and Challenges for the Geographical Indications System in Brazil: The future perspectives and challenges for the GI system in Brazil were highlighted, showing that it is necessary to expand registration, thus promoting local culture, as well as the protection of intellectual property.

Bibliographic research is characterized as a relevant instrument for the development of scientific production, contributing to the expansion of knowledge and the progress of research in various areas of knowledge.

### III. Result

#### Identification of a Potential Geographical Indication

A Geographical Indication is an intellectual property instrument that protects products with unique characteristics, linked to a specific region, as it has the potential to generate economic value and promote the sustainable development of communities [6].

Explains that the GI is an important instrument for differentiating products in the global market, as it guarantees the authenticity and quality of products, as it preserves the traditional knowledge associated with their production [7]. Furthermore, Devesa [8] emphasizes that the GI contributes to the appreciation and preservation of cultural and territorial identity, and promotes tourism and local development in a sustainable manner.

In this sense, [9] emphasize the importance of the participation of local communities in the process of identifying and managing a GI, to ensure not only registration, but also representativeness and the sustainability of traditional production practices.

The Indication of Origin (IP) is the holder of a geographical name that has become renowned for the extraction, production or manufacture of a certain product, and is based on documents that attest to its reputation, with explicit mention of the geographical name related to the product in various sources being essential [1].

The Denomination of Origin (DO) refers to a geographical name that identifies a product that has unique and exclusive characteristics of its geographical environment, including natural and human influences, proven by documents that demonstrate the link between the geographical environment and the qualities of the product [1].

According to Law No. 9,279 of May 14, 1996, which regulates the rights and obligations related to industrial property:

Art. 176. The indication of provenance or designation of origin constitutes a geographical indication. Art. 177. The geographical name of a country, city, region or locality within its territory, which has become known as a center of extraction, production or manufacture of a given product or provision of a given service, is considered an indication of provenance. Art. 178. The geographical name of a country, city, region or locality within its territory, which designates a product or service whose qualities or characteristics are due exclusively or essentially to the geographical environment, including natural and human factors, is considered an indication of origin.

In this context, the identification of a potential Geographical Indication for a given product in a specific region, whether IP or DO, requires a careful analysis of the product's characteristics, history and traditional knowledge associated with its production. The steps to identify the potential of the GI will be presented below so that the application can be made to the INPI for the granting of the GI.

**Table 2:** Identification of Potential Geographical Indication in Brazil

Identification of Potential Geographical Indication	
1	Mobilize producers or providers for greater participation
2	Identify or create an entity representing producers or providers in the region or locality and adapt or draft its Articles of Association
3	Describe the product or service of the Geographical Indication
4	Prepare the Technical Specifications Notebook
5	Describe control mechanisms over producers or providers, as well as over the product or service
6	Approve the Articles of Association and Technical Specifications at the General Meeting
7	Request the Official Instrument delimiting the geographical area
8	Gather all the necessary documentation for the Geographical Indication registration application

Source: Prepared by the author, based on data from INPI (2024)

In order to identify a potential Geographical Indication, it is necessary to follow some information and steps, since a product that presents some differential cannot always be considered GI. Table 2 highlights the precise steps that producers or service providers must follow to identify the GI potential in the region in which they are located.

After identifying a potential GI, it is necessary to carry out detailed research to verify whether this product or service meets the criteria established for obtaining the GI, in accordance with local legislation and regulations. This may be done by conducting market studies, consulting experts and local communities, in addition to collecting information on the production, distribution and use of the product or service [7].

Identifying a potential GI can be a complex and time-consuming process, but it is essential to ensure the protection of the reputation and added value associated with the product or service, because after obtaining the GI, the geographic region and its producers or service providers can benefit from greater visibility, credibility and appreciation in the market, in addition to protecting their intellectual property and cultural heritage, thus ensuring benefits for the region and producers [8].

**Brazilian Legislation, Procedures and Rules for Geographical Indication Registration**

In Brazil, the legislation that regulates Geographical Indication is Law No. 9,279/1996, which provides for industrial property. The National Institute of Industrial Property (INPI) is the body responsible for registering and monitoring GIs in the country. The process of registering a GI involves proving the link between the characteristics of the product and the geographic region of origin, as well as preparing a technical dossier that demonstrates the exclusivity of the product and/or service [10]. In several countries, GI is recognized as an instrument for protecting and promoting products that have specific and exclusive characteristics of certain geographic regions. For the World Intellectual Property Organization (WIPO), GI is defined as a sign that identifies a product as originating from a certain place, whose qualities, reputation or characteristics are exclusively linked to that place. The procedures and standards for registering Geographical Indication aim to protect and promote high-quality regional products, generating economic and cultural value for the local communities involved. The registration of a Geographical Indication guarantees the exclusive use of the name of the region or locality in the marketing of the product, preventing misappropriation and unfair competition [11].

The consolidation of standards and procedures for registering GIs in Brazil requires the active participation of interested parties, such as producers, associations, government agencies and civil society, because it is necessary to establish participatory and transparent governance, to favor dialogue and cooperation between the various actors involved [12].

The law regulating the rights and obligations relating to industrial property highlights that:

Art. 182. The use of the geographical indication is restricted to producers and service providers established in the location, and in relation to designations of origin, quality requirements are also required. Sole paragraph. INPI shall establish the conditions for registering geographical indications.

The application for registration of a Geographical Indication may be made by an association, union or other entity that acts as a procedural substitute. For the registration to be accepted, the GI must be located within the delimited area and its body of members must be mostly composed of participants in the production chain of the product or service in question, and in the case of there being only one producer or service provider in that region or location, the application for registration of the GI may be made by that producer or service provider [1].

**Table 3: Steps for Requesting a Geographical Indication in Brazil**

Steps for Requesting a Geographical Indication	
1	The application is made electronically, available on the INPI Portal
2	Check the values in the remuneration table on the INPI Portal
3	Issue and pay the Union Collection Guide (GRU)
4	With the documentation ready and the fee paid, start the electronic petition
5	To avoid missing deadlines, it is important to follow up on the application by consulting the Industrial Property Magazine (RPI), published weekly.
6	During the process, any questions may be clarified through messages via the Contact Us system, available on the INPI Portal.

Source: Prepared by the author, based on data from INPI (2024)

Table 3 highlights the steps for requesting a GI, emphasizing that it can be done electronically. It is necessary to pay attention to the amounts that must be paid and have all the correct documentation in order to ensure the smooth running of the process. If any doubts arise, they can be clarified.

To ensure the effectiveness and legal security of GI registrations, it is essential to establish clear and objective procedures and standards. Therefore, the Manual of Procedures for Registration of Geographical Indications, prepared by the INPI, presents the steps and requirements necessary to obtain the registration of a GI in Brazil, as well as INPI Resolution No. 56/2015 establishes the guidelines for granting and maintaining GIs, ensuring the protection of the rights of the holders and the preservation of the reputation and exclusivity of the products [9].

**Table 4:** Documentation for requesting Geographical Indication Registration in Brazil

Documentation for requesting Geographical Indication Registration	
1	Geographical Indication Application
2	Registered Articles of Association
3	Recorded minutes of the General Assembly with approval of the Articles of Association
4	Technical Specifications Notebook
5	Recorded minutes of the General Assembly with approval of the Technical Specifications Notebook
6	General Assembly attendance list with approval of the Technical Specifications Notebook
7	Recorded minutes of the General Meeting of the inauguration of the current Board of Directors
8	Copy of the ID and CPF of the applicant's legal representatives
9	Declaration that producers or service providers are established in the delimited area
10	In the case of IP, documents that prove that the geographical name became know
11	In the case of DO, documents that prove the influence of the geographic environment
12	Official Instrument delimiting the geographical area
13	Graphic or figurative representation of the GI, if any
14	Power of attorney, if applicable
15	Proof of payment of the corresponding remuneration

Source: Prepared by the author, based on data from INPI (2024)

Table 4 highlights the documentation required to apply for a Geographical Indication registration, highlighting the fifteen (15) steps that must be followed for the process to be carried out correctly.

All documents submitted must be written in Portuguese, thus ensuring that they are an authentic copy of the original documents. In addition, it is essential that they are accompanied by a formal declaration of veracity, and if there is a need to make any changes to the documents, the process will follow the same procedure required for the GI registration. After the requested change is approved, a new registration certificate will be issued with the updated information. However, if the change request is denied, the original conditions will remain intact and the GI will continue to be duly registered, as stipulated by current legislation [1].

For the change request: The applicant must submit the following documentation for the change of registration: a. request for change of GI registration; b. reasoned justification for the change; c. Technical Specifications Notebook amended and approved in registered minutes of the General Assembly; d. power of attorney, if applicable; e. proof of payment of the corresponding fee; and f. proof of the legitimacy of the applicant. The request for change may be made by the representative entity that applied for registration or by its successor entity, and regarding the delimitation of the geographic area, individuals or legal entities directly involved may also request the change [1].

When GI registration is obtained, producers may use the quality seal on their packaging and promotional materials, adding value to the product and providing consumers with the guarantee of authenticity and controlled origin [12].

### Future Perspectives and Challenges for the Geographical Indications System in Brazil

GIs have proven to be an important tool for enhancing and protecting the designations of origin of Brazilian products. However, for the GI system to continue to grow stronger and contribute to the country's economic and social development, it is necessary to face a series of challenges and consider some perspectives for the future.

One of the main challenges for the GI system in Brazil is the lack of knowledge and awareness on the part of producers and consumers themselves about the importance and benefits of GIs. Therefore, it is necessary to promote education and training for the actors involved in the GI system [13].

Improving the legislation and procedures for the registration and protection of GIs in Brazil will ensure greater efficiency in the registration processes as well as the monitoring of GIs to promote cooperation between the different agencies in the country [14]. There is a need to promote the internationalization of Brazilian GIs, as it is essential to seek the protection of Brazilian GIs in international markets, so that there is appreciation and differentiation of Brazilian products on the international scene [15].

The challenges presented show that there are several perspectives for the Brazilian GI system, and it is possible to increase the number of Brazilian products with GIs, including new regions and production sectors, as the diversification of GIs can contribute to strengthening the identity and competitiveness of Brazilian products in the national and international markets [16].

And the strengthening of cooperation between the different actors involved in the GI system, such as producers, government and research entities, can contribute to the exchange of knowledge and good practices, as well as to the development of strategies for GI appreciation [17].

The GI system in Brazil faces challenges, but it is noted that there are expectations for its strengthening and growth, but it is necessary to promote awareness, improve legislation, promote internationalization and strengthen cooperation between the actors involved in the GI system so that the registration application process reaches another level and the appreciation of Brazilian products is strengthened.

#### IV. Conclusion

Geographical Indications in Brazil are becoming an indispensable tool in the protection and appreciation of local production, allowing consumers to identify products of excellence and of recognized origin and provenance. And with the definition of well-established guidelines and procedures for registering these, Brazil is able to better fit into a cultural diversity, valuing the territories where these products are produced and sold with the indication seal.

Therefore, GIs have the power to leverage the economy of the producing regions, by generating jobs and strengthening local production chains. To achieve this, producers must be aware of and committed to the benefits and requirements necessary to obtain the registration of a GI, ensuring the authenticity and quality of Brazilian products. It is essential to give importance to the promotion and appreciation of Brazilian GIs, both in the domestic and foreign markets, so that consumers recognize and value the origin of the products they consume.

With the consolidation of guidelines and procedures for the registration of GIs in a way that is transparent but easy to understand, registration requests tended to increase. However, a series of challenges must be faced to ensure the efficiency of the processes, education and training of the actors involved. In this way, Brazil will significantly promote the appreciation of its cultural wealth and the promotion of high-standard products, recognized and respected nationally and internationally.

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