

Geographical indication of turkish food products in the process of accession to the european unionSerpil Yılmaz^{1*} , Olgaç Güven¹ ¹Akdeniz University, Faculty of Fisheries, 07058 Antalya/Turkey

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Abstract

As a consequence of globalization, product and production systems have started to show similar features, therefore preferences of consumers shifted to the products with origin and authenticity certifications, especially for the food products. Signs indicating the distinguishing feature, region and country of products are defined as geographical signs. Although these signs are mostly used for food products, they are used for mining industrial products and handicraft products well as. Registration of geographical indications is made by the Turkish Patent Institute, within the scope of Decree-Law No. 555 Date 1995 in Turkey. There are 183 registered geographical products and 201 on going applications are available in Turkey. Geographically marked products are also protected against unfair competition. As geographic marks ensure the sustainability of the local products, it contributes to the economic development by increasing the trust of the consumers and the earnings of the producers as well. Moreover several studies revealed that the products with geographically marked has been an increase in demanded and sold at higher prices. Today, geographically marked products are used as a development tool for agricultural enterprises all over the world. In the process of accession to the EU, it is known that the geographical signs registered in the care of EU is important for the international branding of Turkey. Nevertheless, number of the registered product abroad is still very few. However, Turkey's rich flora, fauna, social and human resources are proving a high potential in terms of geographical extent markings. Within the present study, current state and the potential of the geographically marked agricultural products and the economic benefits of these products to consumers, producers and Turkey's economy has been discussed.

Key words: *Geographic indicators, EU accession, Food Sector, Turkey***Received: 05.09.2019****Accepted: 26.09.2019****Published (online): 10.11.2019****Introduction**

Geographical indication includes all kinds of products affected by natural and human conditions in a region. The first country in which geographic indication (C) were used in the early 20th century was France, where certain rules were introduced with the Paris Convention for the identity and characteristics of the products. Afterwards, geographical indication applications were applied in EEC (European Economic Community) and EU (European Union). Geographical indications first started in Turkey in 1995 by Decree Law No. 555, while the authority of the registered geographical indication has been given to the Turkish Patent Institute. According to the data of the Turkish Patent Institute, 376 products have been registered with geographical markings.

The concept of geographical indication of intellectual and industrial property rights. Since this mark is an important source of economic gain for producers, 160 countries were included in this contract in the 2000s. Such as Turkey, which has 26 million hectares of land, extensive product due to climate patterned structure is very important for a country. As a matter of fact, according to the researches, there are

more than 2500 local products in Anatolia. However, Turkey is still the number of products registered by the European Union is only 3. However, Turkey has many unique products such as melon, apricot, watermelon, cucumber, lentil, Chestnut, pepper, bean (fresh), walnut, tomato, spinach, tangerine, chickpeas, sugar beet, apple, eggplant, and catching products which have an important place in the world ranking in aquaculture products; Black Sea anchovy, Black Sea lobster, cultured fish; rainbow trout, Pearl mullet, curvature carp. But, for rural development, these products must be registered in international markets. For this reason, a more effective public policy is needed in order to increase the number of geographically marked products in international terms.

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Geographical Indication in Turkey

Globalization brought localization and localization brought local products to the agenda. The registration of local products by geographical indication provides protection of traditional knowledge and cultural values besides economic gains and impact on rural development. By using legal protection programs, geographical indication prevent that name from being used in other products (Doğan and Ümmühan, 2012). In addition, geographically indication products provide comparative advantage, particularly in developing countries (Belletti et al., 2017). The time component is particularly relevant for products marked with geographical product. Initially, even if the net added value of the geographical indication product is lower than a comparable branded food product, it is high in the long run (van der Meulen, 2007).

Turkey also started working on this issue in 1995 by decree No. 555 on the protection of geographical indications, the criminal provisions of the law No. 4128 was added. With the “Implementing Regulation on the law on the protection of Geographical Indications” No. 555, the marks indicating a product identified with a region, Area, region or country of origin as a result of its distinctive nature, reputation or other characteristics are defined as geographical indications (Anonymous, 1995). With the legislation, it is aimed to protect the product against counterfeits, to increase the diversity in agricultural and food production, to protect local products, to contribute to rural development, to increase producer revenues and to keep producers in place. As in the European Union in Turkey, geographical indications are divided into two, the mahreç indication and the name of origin (YUCİTA, 2015).

The “name of origin” refers to the state in which a product originates from a locality, area, region or, in very specific circumstances, from a country whose geographical boundaries are determined, all or principal characteristics or characteristics are derived from nature and humanities specific to that locality, area or region: its production, processing and other operations are carried out entirely within the

boundaries of this locality. Geographical or non-geographical names that are traditionally used in the current language to indicate a product originating from a particular region, area or region may also be used as origin names. For the name of origin, the product subject to the name of origin must be produced at the place defined by it (<http://www.tpe.gov.tr/>).

If a product originates from a region, area or region whose geographical indications have been determined; if at least one of its production, processing and other operations has been identified with this region, area or region as to its distinctive nature, reputation or other characteristics, it shall indicate the mahreç indication. At least one of the characteristics of the product subject to Mahreç indication belongs to that region but it can be produced outside the region. Products that carry the indication of mahreç can also be produced outside the geographical region to which they belong. However, raw materials and production methods belonging to the geographical region to which they belong should be used exactly and the quality of the product should be the same (<http://www.tpe.gov.tr/>).

With the decree numbered 555 on the protection of geographical signs; natural or legal persons who are producers of the product, consumer associations and public institutions related to the subject and geographical region may also apply for geographical indications. Training, information and consultancy on this subject are provided by the Turkish Patent Institute. As of 2016, the Turkish Patent Institute of food and agriculture products issued 189 registrations, 86 of which were originating and 103 of which were in the process of integration with the EU. The number of applications for registration is 232 (YUCİTA, 2016). As of 2018, the number of registered products was 191 while the number of applications reached 287 (<http://www.tpe.gov.tr/>).

When the distribution of registered geographically indication products by product groups is examined, it can be observed from Table 1 that food and agricultural products are in the first place. Food products rank first with 41.4%, while agricultural products rank second with 24.3% (Table 1).

Table 1. Distribution of registered geo-ndication products by product groups as of April 5, 2016 (YUCİTA, 2016)

Product Groups (name)	Registration number (piece)	Rate (%)	Registration Type	
			Origin	Mahreç
Food products	78	41,4	16	62
Agricultural products	46	24,3	46	-
Carpets and rugs	27	14,3		
Handcraft products	22	11,6	5	17
Alcoholic drinks	8	4,2	8	-
Live Animals	4	2,1	4	-
Other products	4	2,1		
TOTAL	189	100,0	83	106

Looking at the distribution of agricultural and food products registered by the Turkish Patent Institute, it is seen that fruits, vegetables and grains were ranked first with 37.1%, local food was ranked second with 26.6%, and confectionery, bakery and

pastry products were ranked third with 21.0%. Meat-based products stand at 4.0%, cheeses at 6.5%, and other products of animal origin at 1.6% (Table 2).

Table 2. Distribution of proprietary agricultural and food products by product groups as of April 5, 2016 (YUCITA, 2016)

Products Groups (name)	Registration number (piece)	Rate (%)	Registration Type	
			Origin	Mahreç
Fruits, vegetables and grains	46	37,1	46	-
Local Dishes	33	26,6	-	33
Confectionery, bakery and pastry	26	21,0	4	22
Cheeses	8	6,5	3	4
Meat-based products	5	4,0	3	2
Olive oils	4	3,2	4	1
Other products of animal origin	2	1,6	2	-
TOTAL	124	100,0	62	62

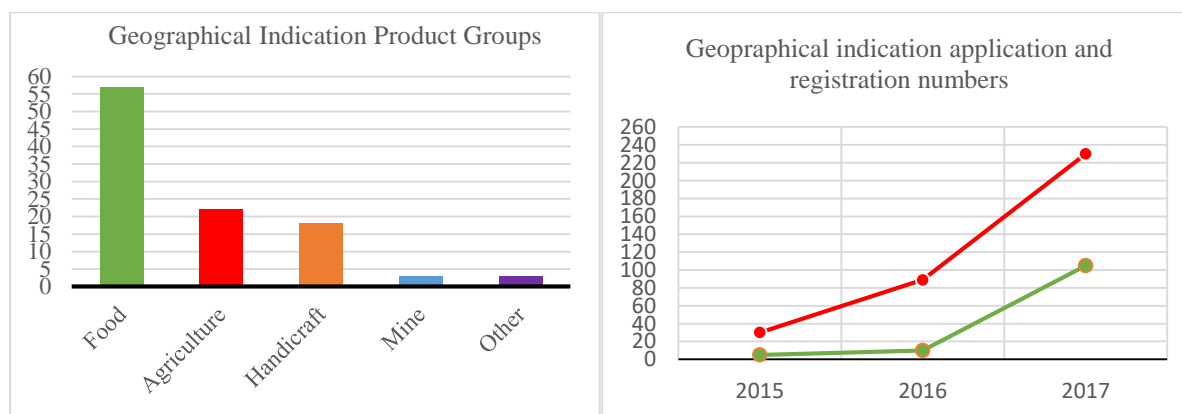
Table 3. Distribution of operations by product groups of ongoing geographical indication references

Products Groups (name)	Registration number (piece)	Rate (%)
Local Dishes	57	27,9
Fruits, vegetables and grains	55	27,0
Confectionery, bakery and pastry	37	18,1
Handcraft products	15	7,4
Cheeses	13	6,4
Other products of animal origin	9	4,4
Mining Products	8	3,9
Beverages (alcoholic-non-alcoholic)	7	3,4
Olive oils	3	1,5
TOTAL	204	100,0

<https://www.turkpatent.gov.tr/TURKPATENT/geographicalRegisteredList/>

As can be seen from Table 3, 57 of the products that were processed at the beginning of 2016 were agricultural products and 125 were food products. When the applications for 22 other products are added to these products, the total number of applications is 204 (<http://www.tpe.gov.tr/>). However, when the ratio of applications is examined, it is observed that local dishes are the first, fruit, vegetables and cereals are the second, and confectionery, bakery and pastry products are the third (<http://www.tpe.gov.tr/>). According to




Turkish Patent Institute data, with the acceleration of studies on geographical indications in recent years, the number of registered geographical indications is 376, the number of geographical indications being examined is 409, the number of products with EU registered geographical indications is 3, and the number of geographical signs currently being applied is 15 (Figure 1).

**Figure 1.** Geographical Indication In Turkey (<http://www.tpe.gov.tr/>).

The first food product registered in the EU before Turkey is Antep baklava. In addition, as observed from Table 4, 6 pieces of EU agricultural products in certain

periods of application for registration made by Turkey, has accepted the application of the three (Table 4).

Table 4. European Union Registration Status of geographically indication products in Turkish agricultural products (EU, 2019)

Products Groups (name)	References	Reference status	
Antep Baklavası / Gaziantep	10.07.2009	Accepted (08.08.2013)	
Malatya Apricot	07.07.2017	Accepted (13.05.2014)	
Aydın fig	25.11.2016	Accepted (17.02.2016)	
Afyon Sausage	13.08.2012	application was made	
Afyon Bacon	13.08.2012	application was made	
İnegöl Meatball	17.09.2014	application was made	
Aydın Urchin	08.09.2015	application was made	
Bayramiç White	04.01.2017	application was made	
Kayseri Ravioli	22.05.2017	application was made	
Kayseri Bacon	22.05.2017	application was made	
Kayseri Sausage	22.05.2017	application was made	
Taşköprü garlic	22.05.2017	application was made	
Antep Pistachio	21.07.2017	application was made	
Milas Olive Oil	13.11.2017	application was made	
Edremit Bay Yesil Scratch Olive	12.04.2018	application was made	
Antep pizza	12.04.2018	application was made	
Giresun Chubby Nuts	26.04.2018	application was made	
Antakya Künefe	14.03.2019	application was made	

<http://ec.europa.eu/agriculture/quality/door/list>

Geographical indications are directly related to the amount of production. As a matter of fact, when the issue of Geographically Marked products is examined in terms of producers, it is determined that the main issue is the cost of production (Çağatay et al., 2015a). However, due to the functions of the geographical indications, it has been revealed that the

producers approach the geographical indications positively. This situation can be understood from a study conducted in the Phoenician orange (Table 5). Geographical indications protect the real producer of the product and increase the incomes of the producers (Kızıltepe, 2018).

Table 5. Change of production quantity of Finike Orange with CI registration

Years	Production volume (tons)	Change (%)	Reference status
2006	103.129	-	application was made
2007	103.129	-	
2008	103.129	-	Accepted
2009	107.129	3,87	
2010	161.660	50,9	
2017	185.378	14,67	

<https://www.turkpatent.gov.tr/TURKPATENT/geographicalRegisteredList/> and Çakaloğlu et al., 2017

In the researches, it is also determined that consumers have started to prefer products whose authenticity is certified, especially in food products. As a matter of fact, in a study conducted by Food Agriculture Organization and European Bank for Reconstruction and Development, it was found that consumers are willing to pay higher prices due to the unique characteristics of products such as taste, color, texture and quality in geographically indication products (FAO, 2018).

Turkey is indispensable for the rural development of geographical indication in another survey highlighted that the vehicle has been argued that consumers' geographical indications accepted as a quality and monitoring tool (Zanbak and Çağatay, 2018). In a study conducted by Meral et al., 97.4% of consumers who have information about geographically indication products stated that they consume these products on the

grounds that they are more delicious (Meral et al., 2013). In a study conducted by Çakaloğlu et al. Using econometric analyzes for Finike oranges, it was found that the majority of consumers were relatively more likely and willing to pay extra prices for Finike oranges with geographical sign registration (Çakaloğlu et al., 2016).

In another study conducted by Çağatay et al., Consumers were divided into two groups; For a group of consumers, price is the main factor influencing the decision to purchase, while price is no longer the main indicator for consumers who are familiar with geographical indications. While this group is the main indicator production mode for consumers, they emphasize that they are ready to pay a higher price for geographically indication products (Çağatay et al., 2015). According to the findings; culture and tradition, quality and reliability affect the perception of

geographically marked products, while the perception of geographically marked products affects the tendency to pay more prices (Toklu et al., 2016). According to TOBB, 2016 data; 60% of the sales of the geographical indication products in the domestic market in Turkey, 20% of the EU market, while 20% is held in other countries. 40%, 30% to USA, 7%, Switzerland, 2% Singapore, 6% Canada, 6% China, 6%, Japan, 6% export to Hong Kong, 4% to Russia, 2% to Korea and 26% to other Countries (http://tobb.org.tr/economic_forum/2016/268/018_027.pdf).

Geographically Indication Products in The Eu Process

The so-called quality policy in the European Union was established by Council Regulation No. 081/1992 on geographical indications and Council Regulation No. 2082/1992 on the name of the traditional product (law). In order to promote and protect food products through this quality policy, manufacturers can protect the names of certain agricultural products and foodstuffs under three separate programs: name of origin protection (PDO), PGI protection (PGI) and traditional feature product name protection (TSG) (Figure2).



Figure2. Programs for the Protection of Agriculture and Food Products in the European Union

These symbols must be used on the product, even if they are within EU limits. In contrast, the use of these symbols on products sourced from a non-member state is not mandatory, but optional (Arikan, 2016). Classification of products has been made in the European Union by regulation no.510/2006 and 509/2006. No such classification exists in Turkey, but the scope of the Geographical Indication is wider than in the EU, and geographical indications registered in Turkey are valid only within the country (Arikan, 2016). Important gains will be achieved in the name of Rural Development by providing geographical indication to our food and agricultural products grown

in Turkey, producing and marketing the products to EU standards.

However, this process requires a very long procedure. Institutional initiatives and new practices are needed to ensure the Coordination of different legislations and decision-makers under appropriate conditions. As a matter of fact, EU legislation has been revised three times until today (Belletti et al., 2017). The products must go through the following stages for the registration of Geographical Indications to the EU (Figure 3).

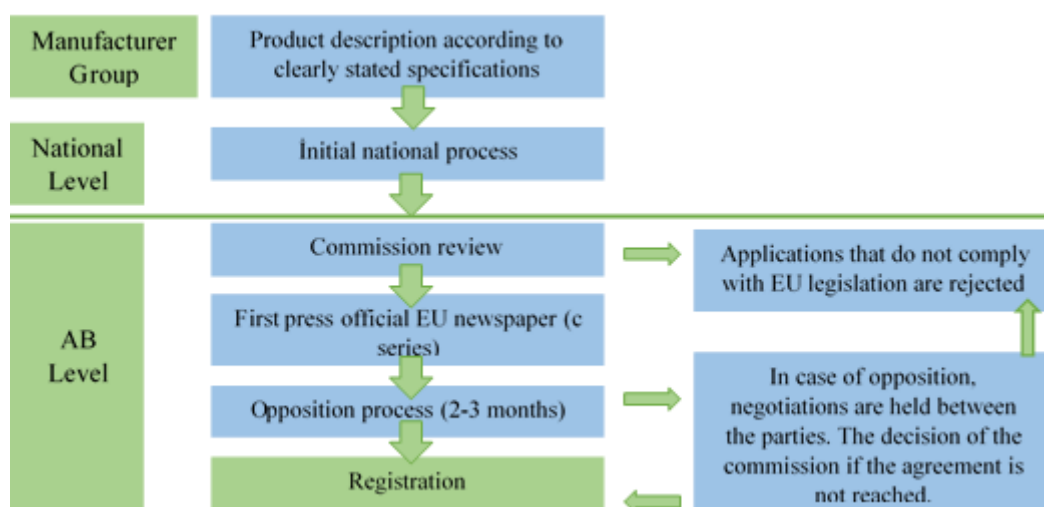


Figure 3. EU Registration process of geographically marked products (<http://www.tpe.gov.tr/>)

The process in question takes quite a long time. As can be viewed from Figure 4, the number of products

registered in the EU by country as of 2016 is 27. The most geographical indication registered product is

owned by China. As of 2016, Turkey's number of EU-registered products was 2, while as of 2018, the number

of EU-registered products increased to 3 (<http://www.tpe.gov.tr/>).

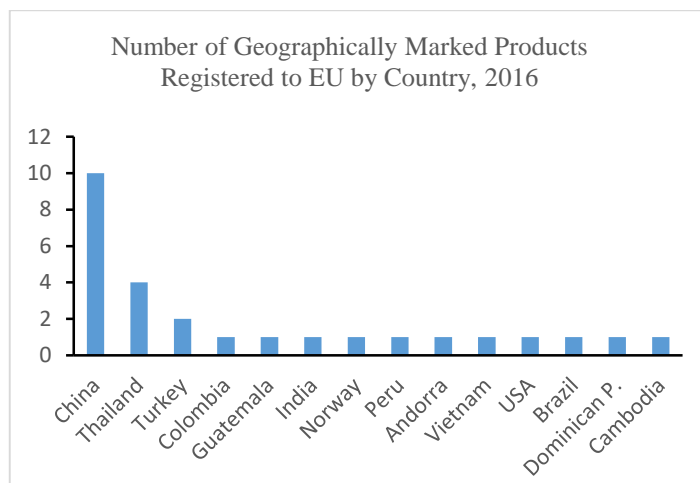


Figure 4. Distribution of products registered in the EU by geographical indication in 2016 by country.

On the other hand, according to World Trade Organization data, there are about 10 thousand geographical signs registered in the world. A third of this is among EU countries. Italy is the country with the most registration in the EU. It is followed by France, Spain, Portugal and Greece, respectively. The geographically indication products of the 5 countries in question account for 70% of the EU's registered geographically indication products. There are about a thousand registered geographical indications in developing countries (Tekelioğlu, 2018). According to research conducted; The geographical product indication in the EU is estimated to be 75 billion euros (Chever et al., 2012). The export value of geographically indication products in the EU was approximately 11.5 billion euros as of 2010, accounting for 15% of the EU's total food and beverage exports. Turkey has an annual trade in agriculture and food products with the EU of € 7 billion (http://tobb.org.tr/ekonomik_forum/2016/268/018_027.pdf). In the EU, the geographical indication registered product is sold at a

price of 2.2 times greater than its equivalent (Asan, 2015). The value added size of the geographically indication products market in the European Union is estimated to be 5.2 billion euros. Laws and practices related to geographical indication, origin name and mahreç Mark have gained momentum in the last decade in order to protect local products, especially in agriculture and food products, and to enable more producers and consumers to take advantage of this situation (Ertan, 2010).

In this sense, Studies in Turkey have increased in recent years. As a matter of fact, in order to raise awareness among consumers by using official emblems on registered geographical indications and traditional product names, emblem regulation was issued in Official Gazette No. 30285 dated 29 December 2017 and the application was put into effect on 10.01.2018. In accordance with the Industrial Property Law No. 6769, the use of emblems for registered geographical indications with the date of January 10, 2018 is mandatory (Kızıltepe, 2018).

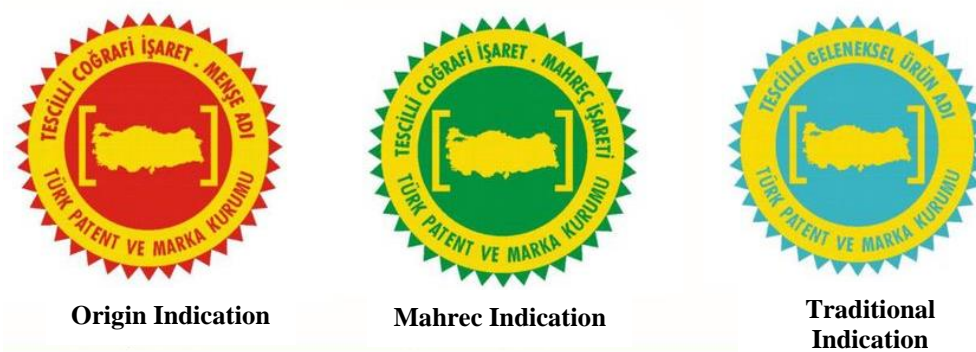


Figure 5. Geographical indications in Turkey

Currently, 1429 agricultural and food products are registered in the EU origin and registration database. The proportion of animal food

which is protected by the EU by geographical registration is 46.5%. 36.7% of the said ratio is cheese and milk products, 26.2% is meat product,

24.6% is fresh meat, 7.1% is seafood, 5.1% is honey and very small the rate is egg (Güler et al., 2018). In the EU, as in the entire world, geographically indication products are increasingly being used as a means of rural development. Because geographically indication products do not require a comprehensive infrastructure and R & D studies that require a lot of capital. Compared to patents or trademarks, application and registration procedures are less costly. In fact, there is no need for a new product for geographical indications, geographical indications are valid for existing products (Gökovalı, 2007).

The most advanced legislation exists in the EU. The current quality programs of the EU protect the product names from misuse and imitation and also inform consumers about the specific characteristics of the products (Özgür, 2016). grown food and agricultural products to gain our geographical indications in Turkey, significant gains for rural development with the production and marketing of their products to EU standards will be implemented. The EU registration process of the products is given below. However, this process requires a very long procedure. Institutional initiatives and new applications are needed to ensure the coordination of different legislation and decision-making authorities under appropriate conditions. EU legislation on this issue has been revised three times to date (Belletti, 2015).

Conclusion and Recommendations

Globalization has brought localization. The protection of local products has brought the products with geographically indication products into the agenda. Products with geo-sign should be supported especially for rural development as it provides significant added value to the local economy. First of all, it is necessary to increase the awareness and awareness of the society about geographical indications. On the other hand, in order to increase the added value of geographically indication products, it is essential to develop effective marketing strategies and to control the effective functioning system. An audit mechanism accredited according to EU norms should be established for both producers and consumers. In addition, to establish an institutional structure to support geographically indication products, to support such products, to encourage scientific studies, it is necessary to revise the legislation and develop the practices according to the national and international needs.

Producing new policies is an important alternative solution to enable enterprises to implement vertical integration covering all processes from production to marketing and processing of products. In this sense, it would be beneficial to support innovative techniques such as contract farming and organic farming. Producer organizations also have important duties in spreading geographically marked products. It is very important to bring innovative agricultural methods

to producers with various trainings. As a matter of fact, when it comes to geographically marked products from the point of view of producers, production costs are the main issue. Supports to be provided within this scope will set a standard in our products, thus increasing our demand in international markets. It is a fact that we still have problems with standards in many products we export. Specification of the products currently registered in Turkey, the Turkish Patent and Trademark Institution cannot be prepared according to desired criteria at the application stage, the stage of registration of control products be in the process are faced with challenges and uncertainties.

Therefore both in Turkey and the European Union which will be held in the name of origin or geographical indication will be prepared in cooperation with the manufacturers of products for application specifications must be taken of the views of experts. While preparing the specifications, public institutions should provide the necessary support to the applicants. As the definition of the specification is not explicitly defined in the Industrial Property Law in geographical indications, which is still one of the industrial property types, there are problems regarding the harmonization with the EU Legislation. There is therefore a need for new legislation or revision of the existing law. However, recent changes are promising. As A Matter of Fact, 42 Of The Industrial Property Act. article “in the event of a change in the properties of the registered geographical indication or traditional product name subject to registration, the request for change may be made by those who have an interest provided that the fee is paid” The phrase is a positive development for our country. Nevertheless, there is a need for an institutional structure that will record, inspect, control and market the production of geographically indication products.

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