



**INTELLECTUAL PROPERTY RIGHTS AS
BRANDING SERVICES FOR EXPORTS VALUE-ADDING:
AN ANALYSIS OF CHILE'S "SELLO DE ORIGEN" PROGRAM¹**

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Abstract

Geographical indications (GI), appellations of origin (AP), collective and certifications marks are intangible assets used as branding service to add value to products with unique characteristics deriving from their geographical origin. *Sello de Origen* Program is a certification trademark created in 2012 to preserve and stimulate traditional occupations and singular products in Chile. This program protects the reputation and quality of Chilean products by using the IPRs mentioned. This research analyzed the perceived impact of this program as a branding service to add value on 7 traditional products, through semi-structured interviews to key stakeholders from both private and public sectors. Finally, the program has not brought relevant benefits as small-scale producers do not know how to properly implement the seal and more coordination among public institutions is needed.

Key Words: Seal of Origin Program, Geographical Indications, Appellations of Origin, Certification and collective marks, branding services

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I. Introduction

Adding value to exports has been one of the main concerns for economic policy makers in developing economies. With exports baskets anchored in natural resources, the need to scale-up in value chains becomes a primary objective of productive and development policies. In this context, knowledge-based services become an instrument to add value to natural resources, particularly agricultural and traditional products, improving production, storage and distribution processes.

Marketing and branding services are elements that may lead to increase the value of products. For natural resources and commodities, where differentiation is hard, the ability of adding value through this kind of services rely on the possibility of informing consumers regarding the unique characteristics of the products, and its linkage to their geographical origin.

It is in this context where Intellectual Property Rights (IPR), such as geographical indications (GI), appellations of origin (AO), collective and certification marks are fundamental to support marketing and branding services for natural resources. They recognize deeply rooted products, in culture, tradition and geography that add value to local communities. For small-scale producers, these IPRs help protecting the intangible characteristics that differentiate their products.

From the consumers' perspective, they consider that products' unique intangible characteristics may affect their health, nutrition, the natural resources sustainability, culture and even may affect in the product' quality, so they need to be clearly informed. In order to differentiate these products, a distinction seal can be used.

Even though these IPR add a differentiating value by themselves, their success must be accompanied by marketing and production strategies that promote their competitive abilities in national and international markets, maintaining their quality over time. There should exist a collective commitment among small-scale producers to maintain the quality and characteristics of each product, as well as the permanent inclusion of complementary services such as consulting, marketing strategies, inspection strategies, logistics, among others.

From here, this paper attempts to expand the literature regarding the use of IPR as a branding service to add value to traditional products, through the analysis of Chile's *Sello de Origen* program. Specifically, how intellectual property rights such as geographical indications, appellations of origin, collective and certification marks act as value-added services, helping products achieve additional benefits for the local area. For this research the following working hypothesis can be drawn: *Sello de Origen* program can act as a branding service to add value to agricultural products, but the lack of information and association strategies do not let local communities enjoy all the potential benefits.

The paper is divided into 4 sections. After this introduction, a literature review is carried out based on concepts such as geographical indications, appellations of origin, collective and certification marks; and how they act as value-added services. The second section presents *Sello de Origen's* institutional framework and main characteristics. The third section qualitatively assesses the program; and finally, section four gives the final remarks and some policy recommendations.

II. Geographical Indications (GI), Appellations of Origin (AO), Collective and Certification Marks as value-added services: a literature review

According to the World Intellectual Property Organization (WIPO), Geographical Indications can be defined as “a sign used on products that have a specific geographical origin and possess qualities or a reputation that are due to that origin” (WIPO, 2013a). Similarly, Appellations of Origin are “a special kind of geographical indication used on products that have a specific quality exclusively or essentially due to the geographical environment in which the products are produced” (WIPO, 2013b). In other words, appellations of origin are derived from geographical indications. On the other hand, Certification Marks are distinctive signs destined to prove certain characteristics of a product. They can be used by anyone who can certify that the products meet certain standards (INAPI, 2018c; WIPO, 2018a). Collective Marks are also distinctive signs that distinguish the material, production process, geographical origin, or any other characteristic belonging to goods or services produced by the members of associations (INAPI, 2018b; WIPO, 2018b).

Geographical indications, appellations of origin, certification and collective marks do not only indicate quality, but they also give consumers a means of retaliation if the quality does not meet consumers' expectations, as consumers will reduce future purchases (Akerlof, 1970; Moschini, Menapace, & Pick, 2008). In fact, these certifications are considered a form of “branding from below”, as they are a form of product differentiation strategy that producers associations use to increase their market power to compete with bigger actors in specialized markets (Mancini, 2013). In other words, these IPRs allow small-scale producers to shift focus from quantity to quality and marketing products' geographical origin.

This is the case of SMEs from developing countries that try to enter international markets or even regional value chains which need to involve developing strategies based on the product certification mentioned before (Mancini, 2013). In this case, AO and GIs protect small farmers against dominant players, as they ensure that the control over the production and sale of the product stays within the local area. Specifically, certification marks convey a strong message that the products protected have been

tested, examined by a person who is not the producer, using methods certified by the owner, so quality is guaranteed for consumers.

Geographical indications, appellations of origin, certification and collective marks understand as branding services add economic value to agricultural products by conveying a cultural identity using, for example, the region of origin, considering at the same time the value of specific natural resources and human skills during the production process, reinforcing their unique identity (WIPO, 2004). The idea also is to promote, in a rural development context, the diversification of agricultural products.

They add value to products based on their quality, reputation and characteristics derived from their geographical origin. Using these IPR as a branding system is crucial to increase employment, improving tourism activities, being able to dominate international markets in which consumers are willing to pay premium prices for products which origin and reputation are guaranteed. Researches show that in developed countries consumers pay premium prices for products with GI and AO (Balogh, Békési, Gorton, Popp, & Lengyel, 2016; Bryła, 2017; Liberatore, Casolani, & Murmura, 2018), for example, 43% of consumers in the European Union are willing to pay a 10% premium for these products (Bramley, 2011). In some markets, consumers pay 20% more for a product which origin is identified (El Economista América, 2013).

In the case of geographical indications, they are known as instruments that can “institutionalize collective reputation” (Cáceres, 2017). IG and AO add value to products, making reputation and quality concrete for consumers, elements that directly affect each one of the actors and the trade area, marketing, cultural heritage, employment, and tourism (Boza & Muñoz, 2016).

These kinds of intellectual property rights are presented as strategic alternatives for the development of different geographical areas. Authors such as Bramley (2011) and Calboli (2013) argue that AP and IG can also be used as instruments to create new niche markets specialized in high quality unique goods. Both instrument help to diversify the economy as they guarantee the product quality and origin, as it was mentioned before, being able to compete in international markets and without facing the unstable commodities prices.

Besides, they help to improve producers’ competitive and innovative capacities, promoting a local culture by means of transforming the productive local systems (CEPAL, 2008). In this case, producers are incentivized to follow high quality production standards, and to create and maintain their social capital (Calboli, 2013). Geographical indications and appellations of origin are collective rights, so they can be used following the requirements by any producer; eliminating similar products competition and improving the protected product market access.

Similarly, these products can contribute to promote typical food dishes, adding value to production techniques and promoting social, patrimonial, cultural and environment characteristics from a specific region (Boza & Muñoz, 2016). Another important element that these IPR can highlight in products is the protection of a region cultural heritage. In other words, using them as a branding service help protect traditional production techniques that can be lost when facing massive production techniques (Calboli, 2013). According to authors such as Rangnekar (2004) in many countries GI and AP are used to protect ancient indigenous knowledge.

There are many studies in developed countries regarding how IPRs such as geographical indications are used as value-adding services in exports. In Europe, products can be protected by a Protected Geographical Indication (PGI) and Protected Designation of Origin (PDO). Both elements are services used to brand high quality food products, guaranteeing a fair remuneration to producers, reflect the qualities of the product, as well as giving consumers all the information they need before buying a product. In this case, the European Union perceives GIs and AO as a strategy to change from quantity-based to quality-based exports, this system allows consumers to recognize high-quality products that belong to a specific geographic area (WIPO, 2004).

Besides, nowadays consumers demand products with a recognized origin. Using GI, AO, collective and certification marks as branding services recognize the intrinsic value in origin products that require the incorporation of other services in both their productive and commercialization processes, so the reputation in competitive markets is maintained. At both national and international level, it is expected that these IPRs add value to products, increasing their demand and price, helping also to the local development (Eguillor, 2014). In Europe, there were more than 700 products are protected by GI, 90% of them came from France, Portugal, Italy, Greece, Spain and Germany (Cambra & Villafuente, 2009). Specifically, in Spain, the economic value of the traded protected products has increased 6 times in a period of 18 years (Millán & Morales-Fernández, 2012). All these elements show that using IPR as branding services are crucial to build strategies towards the development of rural areas (Cambra & Villafuente, 2009).

If producers are able to incorporate tourism activities to their strategies, sales can increase even more. One strategy can be the incorporation of gastronomic routes related to the protected products. In case in Argentina and Spain, the number of tourists has increased as they demand more information regarding the origin of the products, they prefer local products and their quality (Barrera, 1999, 2006; Millán & Morales-Fernández, 2012). Another important element of using GI and AO is that they attract new infrastructure investment as a way of improving transport and communication in rural areas (Cambra & Villafuente, 2009).

Sello de Origen Program was created to promote, as an “umbrella trademark”, the registration of geographical indications, appellations of origin, certification and

collective marks. In this case, the IPRs mentioned are used to recognize products with a specific geographical origin. However, there is not much information regarding the possible effect of this program as branding service to add-value to the protected products.

III. Sello de Origen Program

In Chile, these intellectual property rights are protected since 1991 by Law 19.039. The establishment of the World Trade Organization and the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) in 1995, set a global parameter for IPR, but the existing Chilean legislation was not adequate to meet these international requirements. Furthermore, the subsequent negotiation of free trade agreements raised the IPR protection level. For this reason, Law 19.996 was introduced in 2005 to adequate national legislation to international trade agreements. Some of the changes incorporated refer to the definitions, so for example, GIs are defined as “those that identify a product as original from a country, region or a local area, when the quality, reputation or another characteristic come from, fundamentally, its origin” (Cáceres, 2017). On the other hand, appellations of origin contain the same elements in their definition, but they also consider “other natural and human factors that can characterize the product”.

Sello de Origen program was created by the Chilean National Institute of Industrial Property (INAPI), body dependent of the Chilean Ministry of Economy, and it was officially launched in Pomaire³ in 2012. Its main objective is to preserve and stimulate traditional occupations and singular products distinctive to Chile. In other words, it is a certification trademark destined to the creation, promotion, preservation, protection and development of traditional products that have a strong local component. It protects the reputation and quality of Chilean products by using IPRs (Geographical Indications [G.I.], Appellations of Origin [A.O.], Collective and Certification Marks).

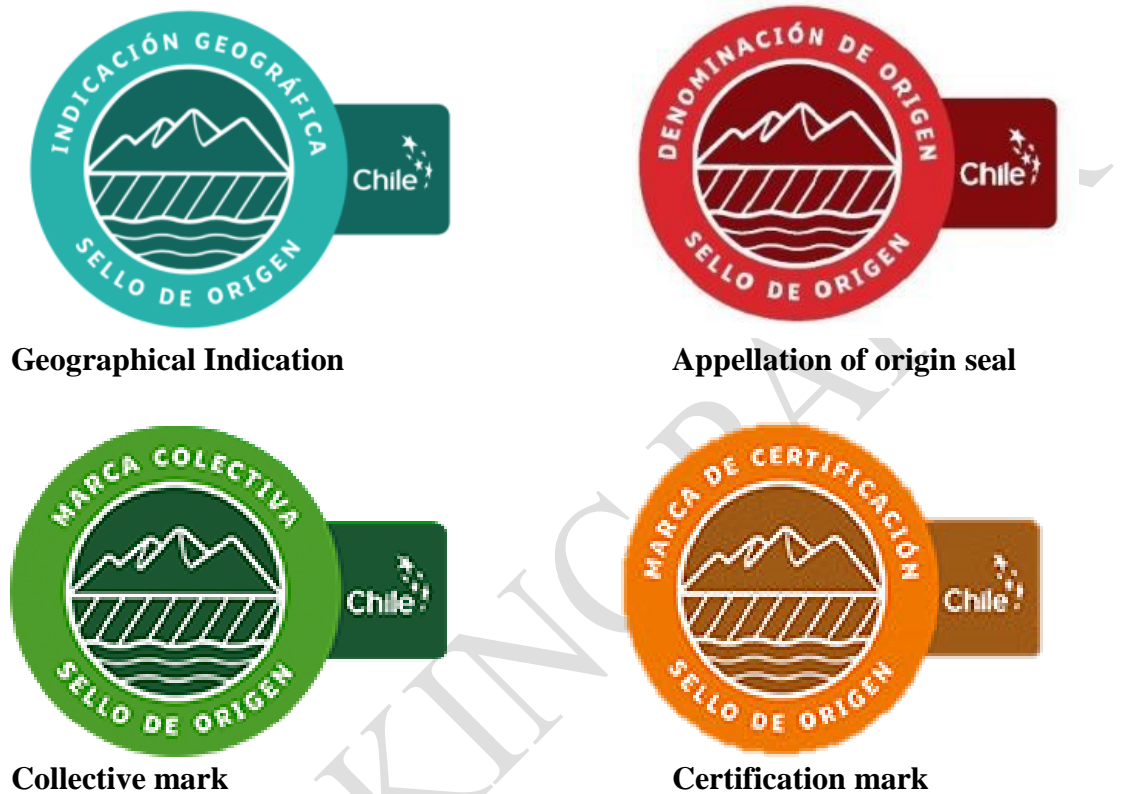
These elements stimulate traditional productive processes; strengthen small communities; and favour producer's economic development. Besides, this program improves association among entrepreneurs, as the distinction reflects the work, effort and organization that small-scale producers have invested (INAPI, 2017a). The idea was to comprise these IPRs under a single program to facilitate products positioning marketing; especially in the Chilean market where intellectual property concepts are not commonly understood. Therefore, communicationally, it is easier to promote these products under the *Sello de Origen* program, without describing and explaining each one of the IPRs (Belmar, 2016).

The program activities started in 2011, before its official launching, financed by the Regional Development Undersecretary (Subdere), INAPI employees visited local and

³ Pomaire is a small locality near Santiago, well known for its traditional pottery production.

regional authorities, small-scale producers and craftsperson to find products with unique characteristics that could be potentially protected by IPR. From here, at the beginning of 2012, each region presented a list of possible products, being identified more than 150 products (Belmar, 2016). A technical commission analysed the lists presented and a Regional Committee selected the products with greater potential (Eguillor, 2012). The physical label seal for each case are:

Image 1: Sello de Origen seal



Source: Google images

III.1. Requirements and registration process

The specific steps and requirements to obtain geographical indications, appellations of origin, certification and collective marks are similar, but some differences can be appreciated. They all must pay approximately US\$210 throughout the process. In general, first, people should prepare the application and (2) present it to INAPI, here US\$68 should be paid. Then (3), a formality examination is conducted, and the Minister of Agriculture presents a report⁴ (4). After that, an extract of the application is published in Chile's *Diario Oficial* (5), they must wait for any opposition (6), and an in-depth review is conducted; finally, the resolution is presented, and if the registration is accepted, US\$137 must be paid.

Specifically, in the case of GI and AO, one of the main requirements refers to the elaboration of a detailed product description; a technical report, made by an expert,

⁴ Only in the case of geographical indications and appellations of origin.

explaining the specific characteristics deriving fundamentally or exclusively from the geographical origin; and the use and control regulation manual. It must be highlighted that the protection for a registered GI will remain valid unless the registration is cancelled (INAPI, 2018a).

On an international level, this program was presented at the meeting of the Intellectual Property Expert Group (IPEG) of the Asia-Pacific Economic Cooperation Forum (APEC) in 2016. In 2017, it was presented at the International Symposium of Geographical Indications organized by WIPO in China; at the V Regional Seminar on trademarks and industrial designs as factors of innovation and business assets: Innovate through Crafts organized by WIPO, the Spanish Cooperation Office and the Spanish Patent and Trademark Office in Guatemala; and at the Asian Subregional Geographical Indications Seminar, organized by WIPO, along with the Trademark and Patent Office of Turkey and the Intellectual Property Centre of Georgia in Turkey (INAPI, 2018e, p. 13).

To date, as shown in Table 1, 31 products have used this program in different regions of Chile.

Table 1: Sello de Origen

Name	Product	Type of Certification	Location, Region of Chile	State/year
Orégano de la Precordillera de Putre	OreganoB	Geographical Indication	Precordillera de Putre, North	Registered/2016
Aceitunas de Azapa	Olives	Geographical Indication	Azapa, North	Registered/2016
Maíz Lluteño	Corn	Geographical Indication	Lluta Valley, North	Registered/2015
Limón de Pica	Lemon	Geographical Indication	Pica, North	Registered/2010
Dulces de Curacaví	Pastries, <i>Alfajores</i>	Geographical Indication	Curacaví, Center	Registered/2017
Dulces de La Ligua	Pastries, <i>Alfajores</i>	Geographical Indication	La Ligua, Center	Registered/2014
Sandía de Paine	Watermelon	Geographical Indication	Paine, Center	Registered/2016
Tomate Angolino	Tomato	Geographical Indication	Angol, South	Registered/2017
Cordero Chilote	Lamb	Geographical Indication	Chiloé Island, South	Registered/2015
Atún Isla de Pascua	Tuna	Geographical Indication	Easter Island	Registered/2012
Langosta de Juan Fernández	Lobster	Geographical Indication	Juan Fernández Island	Registered/2011
Cangrejo Dorado de Juan Fernández	Golden Crab	Geographical Indication	Juan Fernández Island	Registered/2012
Aceite de Oliva del Valle del Huasco	Olive Oil	Appellation of Origin	Huasco Valley, North	In process
Chicha de Curacaví	Fermented drink	Appellation of Origin	Curacaví, Center	Registered/2017
Chamantos y mantas corraleras de Doñihue	Women cloaks	Appellation of Origin	Doñihue, Center	Registered/2014

Sal de Cahuil – Boyeruca Lo Valdivia	Salt	Appellation of Origin	Cahuil, Lo Valdivia, Center	Registered/2013
Alfarería de Pomaire	Pottery	Appellation of Origin	Pomaire, Center	Registered/2013
Crin de Rari	Horsehair	Appellation of Origin	Rari (Colbún), Center	Registered/2018
Loza de Pilén	Pottery	Appellation of Origin	Pilén (Cauquenes), Center	Registered/2017
Alfarería de Quinchamáli	Pottery	Appellation of Origin	Quinchamáli, South	Registered/2014
Prosciutto de Capitán Pastene	Prosciutto	Appellation of Origin	Capitán Pastene, South	Registered/2015
Piedra Cruz	Handcrafted jewelry	Appellation of Origin	Laraquete, South	Registered/2018
Sidra de Punucapa	Cyder	Appellation of Origin	Punucapa, South	Registered/2017
Chupalla de Ninhue	Horseman's hat	Appellation of Origin	Ninhue, South	Registered/2018
Artesanía en Pure	Crafts	Appellation of Origin	Easter Island	In process
Manos de Isla Negra	Textile products	Certification mark	Isla Negra, Center	Registered/2015
Sabor Limachino	Tomato	Certification Mark	Límache, Center	Registered/2015
SIPAM Chiloé	Conservation of unique agricultural methods	Certification Mark	Chiloé Island, South	Registered/2013
Calidad Aysén Patagonia-Chile	High quality products	Certification Mark	Aysén, South	Registered/2014
Joya Negra del Pacífico	Coral pearl jewelry	Certification Mark	Juan Fernández Archipelago	Registered/2016
Ruta Viñedos de Casablanca	Wine route	Collective Mark	Casablanca, Center	Registered/2016
Corazón de Paine	Watermelon	Collective Mark	Paine, Center	Registered
Cerveza Valdiviana	Beer	Collective Mark	Valdivia, South	Registered/2016
Che Wachequena	Pottery	Collective Mark	Aysén, South	In process

Source: Own elaboration with information from INAPI (2018d).

III.2. Methodological Approach

For this research, a qualitative methodological approach is used in order to deeply understand the impact that *Sello de Origen* program has on different traditional products. The program will be assessed by means of primary and secondary sources, particularly, through in-depth, semi-structured interviews with key stakeholders from both public and private sectors, that were invited by email and phone to participate in the research. Specifically, 13 interviews were conducted either face-to-face or by telephone between March 2017 and September 2018, during fieldwork; employees from INAPI, regional governments and small-scale producers that obtained the *Sello de Origen* were interviewed. Only some of the products were selected, trying to approach one or two beneficiaries per kind of certification. It must be stated that regional governments' interviewees have worked with more than one protected product. Interviewees were informed that participation was voluntary and that results were going

to be published anonymously. Each participant was asked for their informed consent before the interviews began, which were also recorded with their permission.

IV. Assessing the impact of *Sello de Origen*

The program was created to rescue, protect and promote specific products and their territories. The idea was to use this program to strengthen traditional products and give them value. It must be highlighted that INAPI does not focus on beneficiaries, it focuses on products which development may benefit the community, for example, throw the generation of niche markets. A product that represents *Sello de Origen*'s objective is the certification mark *Sabor Limachino*. In this case, the product (Limache's tomato) was destined to disappear due to its replacement with new varieties and, thanks to the program, the product was rescued, and now small-scale producers are working on rescuing this tomato seeds and on increasing crops areas.

It is argued that this program has helped in the recognition of agricultural products, and it also helps to protect different production processes, which are mainly traditional or even unique. It has also helped to promote associative collaboration among communities, facilitating the economic development of small ones (Eguillor, 2012). INAPI argues that they have developed a close collaboration with the local communities, in order to guide them in the correct use of the seal.

From here, beneficiaries can improve their competitiveness, differentiate and add value to their product, protect themselves from unfair competition, and give more information about the product to consumers who are looking for highly contextualized products (Eguillor, 2012). Actors such as Katia Trusich, former undersecretary of Economy, argues that the program has contributed to the cultural and economic development of hundreds of producers in different regions of Chile (Ministerio de Economía, 2015).

It has also been stated that this program gives products an international recognition, demonstrating their identity and characteristics that make each product unique. However, interviewees recognize that exporting is not the Program's main objective, it depends on each producers' association the exporting efforts made. In fact, an interviewee argues that product internationalization by means of geographical indications and appellations of origin (for example) is hard and expensive, considering also that small-scale producers will have to face different legislation processes in USA and Europe. It is necessary that each product manages its international strategies and differentiation on its own.

Regarding difficulties, one of INAPI's main problems is its location. As its offices are Santiago, it is very difficult for them to get to different parts of the country. In order to reach a broader audience, they receive support from Regional governments but still remains low their availability to help products in their registration process.

Besides, as interviewees argued, even though this program was part of a local economic development strategy, there is not much coordination among institutions, only with some municipalities and local/regional governments that have helped in the recognition of some products. They also work with the Chilean Institute of Agricultural Development (INDAP), Foundation for Agricultural Development (FIA) and ProChile, but there is lack of coordination when supporting local communities and defining the scope and reach of each institution.

In order to have a greater impact and expand its benefits, some stakeholders argue that this program should be part of public institutions such as the Technical Cooperation Services (SERCOTEC) or the Economic Development Agency (CORFO), which can help them generate specific abilities to promote and enhance their competitiveness.

Another issue is that the program does not have an evaluation stage; therefore, all the benefits mentioned before have not been clearly measured. In fact, INAPI cannot detect any specific benefit in each product and how the program has helped in the region development or promotion of other activities. Besides, they are not able to analyse if the impact varies depending on the type of intellectual property right used (GI, AO, certification and collective marks); nor to compare whether private or public institutions better manage the administration of the product. Finally, they cannot analyse the product differentiation, competitiveness and participation in international markets.

The Chilean National Strategy for Industrial Property (2015) recognizes that some aspects must be strengthened. The report highlights that new strategies regarding product internationalization are needed and small-scale producers must be trained to properly learn the seal. The report also states that INAPI formulated an intergovernmental work with special emphasis on the promotion of the protected products in national and international markets. The proposal was supposed to include collaborative work with regional governments. According to some interviewees, regional governments identified potential products to be incorporated in the program, which were listed and given to INAPI. In fact, after INAPI helps them choose the products and regional governments tender the consultancies that will prepare the application and technical studies, the application is presented.

In 2017 INAPI's Annual Report, it is highlighted that they intensified the work with producers in order to properly use the Seal and to promote the Seal's new image. Therefore, some alliances with relevant institutions such as Image of Chile Foundation (FICH) and Handcrafts from Chile Foundation. The former has helped promoting and supporting the new image of the Seal; the latter has commercialized protected products in its stores, becoming an important handcrafts seller (INAPI, 2017c).

In 2018 Annual Report, it is presented how INAPI coordinated with different actors and institutions the development of some initiatives. In summary, INAPI worked with

Municipalities of Putre, Pica, Quisco, Chillán and Paine, training officials in the use of the Seal; with CORFO, by means of a funding program granted to GI *Aceitunas de Azapa*; with INACAP's Center for Gastronomic Innovation, a collaboration agreement was signed in order to recognize and protect the national food heritage of the Seal, for example, products protected were incorporated as ingredients to be used in a food tournament (INAPI, 2018e).

Regarding capacity building activities, INAPI trained 188 people (124 from regions outside the Metropolitan Region) regarding the Seal's proper use, protection and defense in 2016 (INAPI, 2017c). Besides, 29 training activities were carried out, both in person and remotely during 2017. Furthermore, the first National Meeting of *Sello de Origin* occurred in 2016. In this case, 21 representatives of the recognized products attended (out of 24 products). In 2017, the second meeting was held and representatives of 15 products participated (INAPI, 2018e).

Regarding the incorporation of touristic activities to their strategies, traffic signs have been added to the geographic areas where protected products are located. This strategy was planned to strengthen tourism routes and add-value to local communities' work (INAPI, 2015). According to INAPI, signs have been placed in Paine, Pomaire, Quinchamalí, La Ligua, Capitán Pastene, Putre, Azapa and Lluta (INAPI, 2017c). Besides, INAPI has promoted the participation of small-scale producers in gastronomy fairs, so they can have commercial opportunities for their products.

INAPI's Communications Department developed an audiovisual record of 7 protected products (*Limón de Pica, Manos de Isla Negra, Atún Isla de Pascua, Dulces de La Ligua, Sandía de Paine, Sal de Cáhuil and Alfarería de Quinchamalí*). This initiative wanted to make public the stories, traditions and landscapes of products; the videos were broadcasted on INAPI's social media accounts (INAPI, 2018e).

After the fieldwork, a specific assessment of the following products will be conducted: *Limón de Pica, Cangrejo Dorado and Langosta de Juan Fernández, Prosciutto de Capitán Pastene, Crin de Rari, Joya Negra del Pacífico and Loza de Pilén*. For research purposes, the analysis has been divided into the following categories: registration process, implementation process, program evaluation, and internationalization. A small description of these products is presented below:

IV.1. Limón de Pica

This product was the first GI in Chile. Pica is an oasis in the most arid desert in the world, Atacama Desert (Región de Tarapacá). Climate conditions allow citric crops that can be produced all year. This lemon (*Citrus aurantifolia*) has a spheroidal and elliptical shape, 3 to 4 centimeters in diameter with small and fine vesicles, abundant juice, acid taste with a strong aroma, and green and tender pulp. It contains vitamin B1, B2 and C, phosphorous, calcium, among other minerals. Pica lemon has two differentiating

qualities: its aroma has a high content of limonene 3 (essential oil) in its shell which fluctuates between 45% and 50% (Cáceres, 2017).

Image 2: *Limón de Pica*



Source: Frutos de Pica (2018)

IV.2. Prosciutto Capitán Pastene

Capitán Pastene is a town founded by Italian settlers in early XX century, located in the south of Chile, within the Nahuelbuta mountain range. The settlers brought with them traditional Italian recipes including “prosciutto” a ham produced out of raw pork leg, salted, smoked and matured for 12 to 30 months. The natural conditions of the Nahuelbuta Mountains give this “prosciutto” distinctive characteristics that derive in the recognition of an Appellation of Origin (Sello de Origen, 2018b). According to INAPI’s Director, Maximiliano Santa Cruz, the seal “recognize the work of whom have kept traditional production technics that distinguish this ham from others produced in Chile and worldwide, both for its artisanal preparation, and natural conditions in which it is matured given by the geographical localization close to the Nahuelbuta Mountain range” (Identidad y Futuro, 2015).

Image 2: *Prosciutto Capitán Pastene*



Source: Don Primo (2018)

IV.3. Crin de Rari

Rari is a village located in Colbún, Linares, in the Andean foothills (Región del Maule). Crafts are made of *crin* (horse hair), finger-knitted using techniques such as simple lattice and rectilinear; no additional artifacts are incorporated in the process. They are miniature pieces, from 0.8 millimeters to 27 centimeters high; the designs are characterized by their lightness and chromatic palette that combine *crin* colors with bright colors obtained by dyeing the product with anilines. It must be highlighted that Crin appeared around 200 years ago, so it has a characterized reputation (Sello de Origen, 2018a).

Image 4: Crin de Rari



Source: Maestra Madre de Rari (2018)

IV.4. Loza de Pilén

Pilén is located 15 km from Cauquenes (Región del Maule). Functional and decorative potteries are made of 100% local raw materials such as clay and *colo* (mineral dust). The materials are kneaded until a compact mass is obtained; the process is done by hand, without additional artifacts included. Then, the mass is modeled on a plate and each piece is shaped with fist and palm strokes. Finally, it has a reddish color achieved with direct smoking on fuel wood or guano once the piece is finished and cooked or it can be black due to covering of the hot pieces with dried leaves, immediately after cooking (Sello de Origen, 2018d). The pieces can be open, closed or sculptural, the best known are the ones that represent the loceras' daily life, such as *Fuente gallina* (hen fountain), la *Gallina tapada* (covered hen), among others. Spring and summer are the season of greatest productivity because the environmental temperature helps them dry the pieces (INAPI, 2017b).

Image 4: Loza de Pilén



Source: Crónica Digital (2017)

IV.5. Langosta y Cangrejo dorado de Juan Fernández, y Joya Negra del Pacífico

An interesting case study is Juan Fernández Archipelago's products. Located in the Pacific Ocean, more than 670 km offshore the continent, it is comprised of two main islands, Robinson Crusoe and Alejandro Selkirk⁵, and various minor islands. Led by the Municipality, the Archipelago obtained two Geographical Indications and one Certification Mark for their distinctive products: Lobster and Golden Crab (GI) and Coral handcrafted jewelry (CM). The Juan Fernandez Lobster (*Jasus frontalis*) is endemic to these islands, and are the main economic activity of artisanal fishermen in the Island, it was the first marine product protected (Sello de Origen, 2018c). The Golden Crab (*Chaceon chilensis*), is also endemic to the Archipelago. Since 2000, it has been added to the island fisheries production, becoming a form to diversify the productive basket, based in the lobster extraction. Black coral from the Archipelago grows within 100 and 300 below sea level. As corals are protected, they cannot be extracted, technically they were not supposed to protect them; however, handcrafted jewelry is a residual production, derived from corals that get accidentally stuck in fishing nets. It has been produced since the 1970's and it is unique in Chile (Sello de Origen, 2018e).

⁵ These islands inspired the utmost known novel "Robinson Crusoe" by English writer Daniel Defoe, published in 1719.

Image 5: Sello de Origen Juan Fernández



Langosta de Juan Fernández



Cangrejo Dorado de Juan Fernández



Joya Negra del Pacífico

Source: Google Images

Table 2: Registration process

Product	Sello de Origen (Type of seal)	Registration Process			
		Registration	Reasons to obtain certification	Supported by ...	Main difficulties
Pica Lemon	Geographical Indication	<i>Cooperativa Agrícola de Pica</i> (small-scale producers association)	Product differentiation Higher prices Increase sales	Foundation for Agrarian Innovation (FIA) Fund for Regional Development (FNDR) Collahuasi Mine ProChile Arturo Prat University Jorge Olave, Director of the Water Resources Research Centre	Technical report evaluation
Prosciutto Capitán Pastene	Appellation of Origin	<i>Gobierno Regional de la Araucanía</i> (Government)	External influences	Gobierno Regional de la Araucanía (Regional government)	No
Crin de Rari	Appellation of Origin	<i>Maestra Madre Crin SPA</i> (Association) and <i>Agrupación Artesanas de RARI</i> (Association)	Protect traditional products	Regional government	Bureaucratic process
Loza de Pilén	Appellation of Origin	Agrupación Loceras de Pilén (Association)	Protect traditional products	Regional government	Bureaucratic process
Langosta de Juan Fernández	Geographical Indication	Ilustre Municipalidad de Juan Fernández (Municipality)	Product differentiation in national and international markets Geographical recognition of Robinson Crusoe Island at an international level	Municipality and Pontifical Catholic University of Valparaiso	No
Cangrejo Dorado de Juan Fernández	Geographical Indication				No
Joya Negra del Pacífico	Certification Mark				As corals cannot be extracted, it was more difficult to obtain the certification

Table 3: Implementation process

Product	Implementation process			
	Supported by INAPI	Incorporation in marketing strategies	Inspection	Sale points
Pica Lemon	Coaching	No, due to the lack of knowledge and funding	No	Restaurants, supermarkets and farmers' markets but without differentiation
Prosciutto Capitán Pastene	No	The product is sold with the figurative mark, but no additional strategies are incorporated	No	Restaurants and shops within the local region (Trattoria Don Primo and Montecoreone)
Crin de Rari	No. It only suggested that a consulting regarding marketing strategies must be implemented	It will be implemented	No	Shops within the local region
Loza de Pilén	No. It only suggested that a consulting regarding marketing strategies must be implemented	It will be implemented	No	Shops within the local region
Langosta de Juan Fernández	No. 4 years after obtaining the certification, they received the physical seals to put into the product package	No	No	94% of production is sold in the Chinese market
Cangrejo Dorado de Juan Fernández	No			
Joya Negra del Pacífico	No			Shops within the local region

Table 4: Program evaluation

Product	Program Evaluation								
	Benefits	Price before/after	Increase in consumer demand	Workers within organization before/after	Product highly differentiated from competitors	Protected reputation	Unique, exclusive product	Tourism activities	Gastronomic routes
Pica Lemon	No relevant benefits can be appreciated	No changes: approx. US\$2.50 kg.	The demand has increased over the past x years	<i>Cooperativa Agrícola de Pica</i> (association) is no longer working on the product differentiation.	No	No. But it is recognized	No	No	No
Prosciutto Capitán Pastene	No relevant benefits can be appreciated	No changes: approx. US\$15 kg.	No	The number of workers has not increased	No	Yes. The product is recognized	No	No	No
Crin de Rari	No relevant benefits can be appreciated			No	Products were already differentiated	More than 100 years of tradition are recognized	No	Rari is recognized as a tourism area of interest by the National Tourism Service	
Loza de Pilén	No relevant benefits can be appreciated			No	No	Only as a cultural asset	No	No	No
Langosta de Juan Fernández	No relevant benefits can be appreciated	The price increased because they changed the target international market	The demand has maintained	No	They do not have competitor products in the national market	Reputation is not directly derived from the product, but from sustainable extraction techniques	Niche markets	No	No
Cangrejo Dorado de Juan Fernández									
Joya Negra del Pacífico	No relevant benefits can be appreciated	No	The demand has maintained	No				No	No

Table 5: Internationalization

Product	Internationalization				
	Product export experience	The Seal is included in the exported products	Certification recognized in international markets	Marketing strategy in international markets	Seminars and coaching from public institutions
Pica Lemon	Yes, sporadically but only as pilot project and without the trademark or IG differentiation	No	No	No	Yes
Prosciutto Capitán Pastene	No	No	Don't apply	Don't apply	No
Crin de Rari	Yes, but they are individual efforts.	No answer	No answer	No answer	No answer
Loza de Pilén	No	Don't apply	Don't apply	Don't apply	No
Langosta de Juan Fernández	Yes (China)	No	No	No	Yes, but activities have not been useful regarding commercialization or exporting techniques. Their remote location is an issue.
Cangrejo Dorado de Juan Fernández					
Joya Negra del Pacífico					

In general, it can be stated that none of the products analyzed has experienced benefits from the seal, mainly because they do not use it, or they do not know how to properly use it. However, some differences can be detected in each product.

We can appreciate that product registration was conducted either by small-scale producer's associations (*Limón de Pica*, *Crin de Rari*, and *Loza de Pilén*) or by local public authorities (*Prosciutto Capitán Pastene*; *Langosta* and *Cangrejo Dorado de Juan Fernández*; and *Joya Negra del Pacífico*). However, it must be highlighted that entities presenting the application are not certifications' owners and seal implementation and usage must be done by the small-scale producers.

Among the reasons to obtain the certification, the main are product differentiation, the protection of traditional products and geographical recognition. Only in the case of *Prosciutto Capitán Pastene*, producers did not have much information, but a political figure suggested them to obtain the appellation of origin, based on the product reputation in the region. In the case of *Langosta de Juan Fernández*, they traveled to Italy and found out about Slow Food International⁶, organization that focus on high standards sustainable food, with fair prices for consumers and producers' fair conditions; and how product differentiation is crucial to access international niche markets. Besides, users in Juan Fernández were constantly asked in international markets if the Robinson Crusoe Island was real, as they thought it as a made-up name for the novel, so they were also looking for a way of proving their geographical origin.

Regarding registration support, almost all products had support rather by the private and public sector or by the academia. Some of the main difficulties in this stage was that additional funding resources were needed to elaborate the technical report evaluation; it is also highlighted that the process is too bureaucratic. The case of *Joya Negra del Pacífico* it is very interesting, as it was mentioned before, they were able to process corals into handcrafted jewelry and obtain the certification mark thanks to corals stuck in fishing nets.

Regarding the implementation process, products' beneficiaries claimed no support from INAPI. However, they have attended coaching activities and INAPI has supervised them on the implementation of consulting activities for the elaboration of marketing strategies. Besides, INAPI has given the seal labels to add into the product package. The problem is that producers' associations, which are supposed to provide for inspection and certification to be carried out from the production stage to the commercialization, do not do it due to the lack of knowledge among the members. For this reason, generally, the seal has not been incorporated into their marketing strategies in the national and international markets. In the case of *Prosciutto Capitán Pastene*, the product is sold with the seal labels, but additional strategies are not incorporated.

⁶ For more information, visit: <https://www.slowfood.com/>

Furthermore, none of the products interviewed has an inspection body in charge of monitoring the correct use of the certification; in fact, users do not clearly understand they should be supporting the cost of inspection, even though they recognize its importance. Specifically, in the case of *Limón de Pica*, users know some producers who import lemons from Peru, selling them as Pica's. Prosciutto's users claim they even know the people who is selling another kind of prosciutto as Capitán Pastene's, but as it is a small region, they do not want to have a conflict with people they see every day. In the case of *Langosta de Juan Fernández*, users know that in continental Chile, shrimps are sold as from the region; or even crab meat is sold as *Cangrejo Dorado de Juan Fernández* in Santiago.

Considering points of sales, in general, products are sold in restaurants and shops in the local region, and when they are sold in other regions of Chile, the product does not use the label indicating the certification. The case of *Langosta* and *Cangrejo Dorado de Juan Fernandez* is very interesting as the 94% of production is sold in the Chinese market, where users talk about Juan Fernández archipelago history and recognition, but the label is not used.

Regarding the program evaluation, none of the interviewees claim benefits from the certification. In fact, in the case of *Crin de Rari*, the product already has more than 100 years recognized reputation, so the certification is seen as a cultural asset. In the case of *Limón de Pica*, the association in charge of GI administration has not been even created yet. Specifically, no changes in prices can be detected, and only in the case of *Langosta* and *Cangrejo Dorado de Juan Fernández* there has been a change, but only because the target international market changed from Europe to Asia, where they can determine higher prices. The consumer demand has only increased in the lemon case, but due to its characteristics, rather than GI differentiation.

The number of workers within the associations has not increased. For example, *Cooperativa Agrícola de Pica* (Lemon) is no longer working on the product differentiation, and today is *Frutos de Pica* the association where 7 small-scale producers are trying to maintain GI recognition, differentiation and usage monitoring. In the case of product reputation, many products were already recognized by their reputation, but the seal has not helped them much in that matter. In fact, in the case of *Langosta* and *Cangrejo Dorado de Juan Fernández*, the reputation is not directly derived from the product, but from sustainable extraction techniques; for example, *Langosta* is certified by the Marine Stewardship Council (MSC) since 2015, which have helped them to certify their reputation more than the seal. Furthermore, *Crin de Rari* obtained UNESCO Award of Excellence for Crafts in 2016, as a way of encouraging artisans to produce quality products with traditional techniques, so their continuity can be ensured (UNESCO, 2016).

Considering other elements derived from the use of the seal such as tourism activities and gastronomic routes, interviewees do not declare any additional benefits. However, it

can be highlighted the case Rari, the local community recognized as a tourism area of interest by the National Tourism Service (SERNATUR) where they offer tourism activities with workshops to learn how to knit crin, and the case of *Limón de Pica*, where a new project regarding the elaboration of derived product such as oil and flour will be implemented.

Regarding the internationalization of products, different facts can be appreciated. In the case of *Limón de Pica*, they have imported sporadically but only as a pilot project thanks to ProChile's help. However, the seal label was not incorporated, and they do not even have marketing strategies, so the product can be added into the product package. In the case of *Crin de Rari*, only individual exporting efforts were identified, but this case was not deeply analyzed on this research. In the case of *Loza de Pilén* and *Prosciutto de Capitán Pastene*, no exports were found; in Prosciutto, the interviewee claimed tried to export, but they found the process was too difficult. In the case of *Langosta* and *Cangrejo Dorado de Juan Fernández*, as it was mentioned before, the 94% of production is exported to China, but the seal label is not included because they do not know how to add it to the package, how it is enumerated and how it I used. In fact, they present the certification in international markets, but they do not feel the physical design of the seal reflects their case, as one interviewee argued "the seal's label shows a mountain, and we have products from the sea".

Some interviewees claimed they have not participated in seminars or coaching activities form public institutions. Others have participated, and they have met other products' beneficiaries, but activities have not been useful regarding commercialization or exporting. However, it must be highlighted that in many cases, their remote location and high travel costs impede them from travelling often to INAPI's activities.

Finally, interviewees agree on the fact that more support from INAPI and other public institutions such as ProChile, Sercotec and CORFO is needed.

IV.6. GI and AP in Free Trade Agreements

It must be highlighted that GI and AO have become an important element in the Chilean international negotiations regarding intellectual property. As a consequence, the local legislation is delimited by free trade and international agreements' content subscribed by Chile (INAPI, 2015). GI and AO have been addressed in different ways. As it depends on the country, in some cases, GI and AO are just mutually recognized in FTAs; others refers to procedural aspects such as their publication, objection procedures, and the scope of protection (INAPI, 2015).

Specifically, the Free Trade Agreement between Chile and the United States of America includes a GI definition, compatible with the one provided in Chilean Law 19.039. It must be highlighted that both countries have different mechanisms for GI and AO

protection, for example, GI can be protected as certification or collective marks in USA (Gotschlich & Valverde 2011). Besides, in the third chapter “National treatment and good market access”, some GI are specifically recognized, for example, AO of Chilean Pisco is recognized. In the fifth point of article 17.4, it is included a way of making the registration process faster (Gotschlich & Valverde 2011).

In general, the Free Trade Agreements signed by Chile mainly list Chilean Pisco in AO protection. Some of these agreements are with China (2006); Mexico (1999); Japan (2007); Australia (2009) and Canada (1997). In the case of Australia and Canada, GIs are recognized as trademarks. The FTA signed with Thailand (2015) establishes in article 11.9 that every party must protect GIs; it includes a detailed list of protected GIs, considering wines and spirits, as the free trade and association agreements mentioned before, but it also includes *Limon de Pica* (lemon) and *Langosta de Juan Fernandez* (lobster) (DIRECON, 2015).

The Association Agreement between Chile and the European Union makes references in article 169 to GI and AO. Article 3 presents GI’s definition, as the one in the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), but it is included that it must exist a reciprocal protection for AO, being either from Chile and Europe (Sargent & Krahn, 2005). Nowadays, the modernization of the agreement is being negotiated in order to deepen their relation by strengthening trade, political and security cooperation; and GIs are a crucial element to negotiate. Besides, they are now part of a public consultations process to evaluate their inclusion in negotiations and civil society’s preferences.

As it was stated before, GI and AO have become an important element in international trade negotiations, so it is expected that more protected products are expected.

V. Final remarks and policy recommendations

The literature review highlights the importance of geographical indications, appellations of origin, collective and certification marks acting as branding services that add value to traditional products. These IPRs are crucial now that the concept of “new luxury” is very important among consumers and they demand high quality products with a recognized geographical origin.

The main objective of this paper was to analyse the impact of *Sello de Origen* program as it was supposed to add value by promoting the development of local production, new tourism areas, rescuing local culture, recognizing traditional Chilean products, among others. However, the impact and benefits of this program depend on the program beneficiaries and how they use the certification to improve their production, storage and distribution processes.

It must be understood that in order for users to grasp concrete benefits from the use of the seal, these certifications need to be supported by adequate rural policies and legislation, and marketing strategies (Mancini, 2013). The Chilean National Strategy for Industrial Property states that *Sello de Origen* needs to strengthen capacity building, so users learn to properly use the seal. However, even if INAPI manages to meet all their strategies, changes in small-scale producers' mindset and culture must occur.

From here, and considering the hypotheses presented, the research conducted identified that some elements affecting the successful use of a seal of origin are small-scale producers' lack of knowledge in various stages and the low association efforts among the program beneficiaries. However, public institutions' lack of coordination and consumers' passive role can also affect the proper use of the seal.

Overall, all the people interviewed claimed that the Seal is not being properly used in their product, and they even highlighted their own lack of understanding regarding the opportunities and limitations that protected products have. Therefore, it has not been possible to promote small-scale producers' economic wellbeing and local communities have not yet seen benefits with the implementation of the seal. Besides, employment has not increased, products are not highly differentiated, the reputation has mainly maintained, and tourism and gastronomic activities have developed but not due to the implementation of the seal.

The lack of understanding lies in the fact that they do not clearly understand how to properly use seal, how it is implemented, how its inspection must be done or who should do it; therefore, products lack value-adding strategies. On the other hand, association efforts seem strong in products that already had reputation (*Crin de Rari*); and that do not have important commercialization issues (*Langosta* and *Cangrejo Dorado de Juan Fernández*), but week in cases such as *Limón de Pica*, in which problems among producers lead them to create new associations and start all over again.

Lack of funding resources is also a problem. Some products, such as *Limón de Pica*, *Crin de Rari* and *Loza de Pilén* are applying for different funding options in order to design additional strategies for products' promotion. However, many of the interviewees did not even know they could go to and receive support from CORFO, Sercotec or FIA to improve their capacities and start developing additional strategies.

Limón de Pica is a special case as 8 years after the product registration, the association in charge of managing the use of the seal, has not been implemented. Besides, small-scale producers do not understand that GIs are not enough. GIs are instruments and to protect the product, it is necessary to acquire a right over the sign that constitutes the indication, in other words, a trademark or a collective mark, if the association is strong, is needed. In this specific case, they are now trying to add the seal's logo to the package, but a year ago they did not even have marketing strategies regarding the product package, and it was sold without differentiation.

Considering public institutions' performance, INAPI has not been able to evaluate the impact of the program. Even though INAPI's Annual Reports highlight their work with different institutions building users' capacities so they can learn how to properly use their seal, and how to enhance their benefits by means of incorporating additional strategies, interviewees argue that they need more help. Besides, it must be considered that INAPI's location impedes their work with remote local communities.

Regarding consumers' passive role, it must be stated that in the national market, consumers do not demand highly differentiated products from a specific origin, therefore, more awareness campaigns are needed for both producers and consumers.

Geographical indications, appellations of origin, collective and certification marks are intangible assets that protect unique characteristics in products, which also need additional elements to function as a branding added-value system. Small-scale producers and their associations must understand the importance of association efforts; how inspection must be done; the value of their product and the certification; and that more elements are needed to maintain products' reputation. In other words, they need production, commercialization and marketing strategies to help them maintain their quality and reputation over time, so additional benefits can be seen in the community.

Finally, some policy recommendations can be made. First, it is recommended the elaboration of indicators for the program evaluation, so INAPI will know the impact of the program and protected products on the region, and whether the impact depends on the type of intellectual property right used. From here, specific strategies can be implemented. Furthermore, INAPI must maintain a more fluid communication channel with products' beneficiaries.

Besides, throughout the research, it has been proven that IPRs are important instruments to differentiate products in international niche markets, so even though products internationalization is not INAPI's main objective, other institutions must participate in the implementation of the seals. Therefore, more coordination among institutions is needed, so small-scale producers' associations can identify their main difficulties regarding training, production and commercialization processes (national and international level); so, they can work in each one these stages with institutions such as Sercoted, Corfo and ProChile.

Finally, it is important to highlight that if *Sello de Origen* wants to be used as a branding service that adds value to exports, more of these IPRs must be included into Free Trade Agreements.

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