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Thesis defended by M. Otávio Mori Sarti - The protection of agricultural heritage in Brazil : aspects of intellectual property and competition under the supervision of Céline Castets-Renard (IRDEIC)

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## **A b s t r a c t**

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The reciprocal influences between competition law and geographical indications, in Europe and in Brazil, shows us different approaches adopted for the protection and development of the agricultural sector. This relationship is well established in numerous European relevant markets, particularly in France, being considered the intellectual property framework. This approach reveals some aspects of the agricultural common policy adopted in European Union, where appellations are intended to be used as a tool for internal market accomplishment, for reacting to overproduction/protectionism concerns and for aggregating value in order to increase exports. On the other hand, Brazil has not developed yet a clear competition policy in agricultural sector nor a strong geographical indication based market. This context derives from the Brazilian economical environment and competition law history, which encourage trademarks and biotechnology rather than geographical indications as an intellectual property framework for agricultural sector and food industry. Another reason is that Brazil is the owner of a great biodiversity which is not exploited yet, asking for a model of protection that does not fit exactly into the geographical indications requirements. Brazilian geographical indications is more requested only on the basis of external demand, as it can be seen in the markets of coffee and cachaça, demonstrating that the TRIPs agreements is not well adapted into the Brazilian agricultural sector, leaving space for further sui generis intellectual property rights. Geographical indications are a legal concept created if only some specific social, cultural and economical conditions were reunited. Otherwise, as a social institution, geographical indications should be adapted in order to be applied in the Brazilian context. Furthermore, the economical and political environments promote the evolution of the concept of appellations of origin towards competition law in the European context, creating new goals to intellectual property.