

# Overview of Brazilian Geographical Indications and the Experience of Cachaça Indications of Procedure

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## Abstract

The Geographical Indication (IG) is an Industrial Property asset that relates and distinguishes the geographic origin of a product or service. In Brazil, it can be classified as an Indication of Origin (IP) or Denomination of Origin (DO). This study aims to provide an overview of the deposits of Geographical Indications in Brazil, from the publication of Law nº 9.279, of May 14, 1996, the Industrial Property Law, and the recognition of Indications of Origin and Denomination of Origin by the National Institute of Intellectual Property (INPI) between 1996 and 2022. Given this context, theoretically based on the concepts of territory and territoriality, the highlight of initiatives to register GIs of Cachaça in Brazil is highlighted. The exploratory research was carried out through secondary sources and the method chosen was of a qualitative nature, using the techniques of bibliographic and document review. As a result, it was found that, during the study period, there was an expansion in the number of GI records, concentrated mainly in the Southeast and South regions, but far below the existing potential in Brazil, given the existence of socioeconomic, geographic factors, environmental, ethnocultural, institutional, in addition to the characteristics of agricultural activity. Furthermore, the number of IPs registered with the INPI corresponds to approximately 70% of Brazilian GIs and only 3 of them have cachaça-type sugarcane brandy as a product.

**Keywords:** brazil, denomination of origin, indication of origin, industrial property

## 1. Introduction

The reference of a GI is associated with the differentiation of certain products or services contains in the market and their protection. This notion gradually took place over the years all over the world, as producers and consumers realized that some regions began to be recognized according to the characteristics that relate them to the origin of a product or service, linking it to quality or tradition that are peculiar to them (INPI, 2022d; Vieira and Pellin, 2015; Clark and Kerr, 2017).

TRIPS Agreement, Agreement on Trade-Related Aspects of Intellectual Property Rights, from 1994, in addition to enabling the protection of trademarks, is also concerned with specifically regulating GIs (Rocha, 2016; MAPA, 2014). This agreement provides that its members must establish measures to protect their products or services that originate in a territory or region, according to the quality, reputation or other characteristic linked to their geographic origin (Rocha, 2016, Crescenzi et al., 2022; Froehlich and Corchuel, 2017; Pérez-Akaki et al., 2021).

GI is part of this context, as it allows unifying elements of the geography of the territory, such as biome, relief, climate, and vegetation with cultural aspect, such as specific production mechanisms and sharing of traditional knowledge, making products differentiated and unique (Valente et al., 2012; Groot and Albusu, 2018; Kerr e Clark, 2022). Understand the theoretical concepts of territory and territoriality refer to a combination of factor that interfere in the organization of geographic space and the relationships that are established in this environment (Santos, 2009).

According to Cerdan et al. (2010), valuing the GI concept becomes important, as it refers to the particularities of products from different regions, enhancing their territories. With regard to agri-food products, quality or reputation is linked to several other elements that constitute the place, such as a particular taste, a history, a distinctive character caused by natural factors (such as climate, temperature, humidity, soil, etc.) or humans (a mode of production, a know-how) (Cerdan et al., 2010; Santeramo et al., 2019).

The registration of GI also makes it possible to repress the forging of products in terms of their geographical origin, guaranteeing communities, as holders of the “know-how”, the necessary conditions to create with consumers, and from there, promote investments in this field. (Cerdan et al., 2010; Pinto and Paixão, 2018; Covas et al., 2019; Ingram, Hansen and Bosselmann, 2020).

According to Freitas et al. (2012), Brazil stands out as a country that has several potential products for GI registration, given that the regions have products and/or services with differentiated quality, linked to their geographic origin. Moreover, it has aroused the interest of organizations and Education and Research Institutions (Silva, 2022; Oliveira, 2020).

The scope of this study highlights the knowledge of the current Brazilian reality, in terms of Geographical Indication records, outlining a panorama that mainly comprehends aspects aimed at the rural constitution of agrifood base products, specifically the productive activity of cachaça, which currently has three Indication of Origin (INPI, 2022b).

The recognition of a GI in Brazil can be established in two different ways, either as an IO or as a DO, in accordance with Articles 177 and 178 of the Industrial Property Law - LPI (Lei nº 9.279, de 14 de maio de 1996). Regulation can occur both nationally and internationally. It appears that in December 2022, Brazil accumulated 100 recognized national GIs, 76 of the IO type and 24 DOs. In addition to these 24 DOs, another nine were granted to non-residents. At the same time, considering the registration requests approved by INPI for the GI of Cachaça in Brazil, it is observed that three were granted, namely Paraty (RJ), Salinas region (MG), and Abaíra microregion (BA).

This research is justified by the importance of understanding the GI as an industrial property asset, as well as the increase in the number of Brazilian GI registrations with INPI, diversifying the range of products protected and linked to geographic origin. More than two decades after the publication of LPI, it is observed that this expansion could be even greater, given the universe of potentialities of the Brazilian regions. As for the GIs of cachaça brandy, recognized or potential, starting from the concepts of territory and territoriality, we seek to point out the analysis initiatives of this asset and the elements that demonstrate the importance of the product in the context of the geographic space and the established social relationships.

The objective of this study is to carry out a current verification of the deposits of GIs in Brazil, from the publication of Law nº 9,279, of May 14, 1996, the Industrial Property Law, and the recognition of IOs and DOs by INPI, between 1996 and 2022, highlighting the recognition of cachaça IOs.

This article is structured in four more sections, in addition to this introduction. Section 2, as a theoretical framework, presents the specialized bibliography about GIs and aspects of the productive activity of cachaça in Brazil. Section 3 discusses the methodological procedures used to verify the behavior of GI in Brazil. Then, in section 4, there are the results and discussions, which details the current scenario of Brazilian GIs, emphasizing the concepts of territory and territoriality. Finally, there is the section of the final considerations.

### *1.1 Legal Instruments of Geographical Indications in Brazil*

At the global level, the 1994 TRIPS Agreement standardized the form of intellectual property protection for all member countries. On the other hand, with regard to GIs, there is autonomy for each country to define the best form of protection, considering its specificities (Gangjee, 2012). In the case of Brazil, GIs began to be regulated, since May 14, 1996, through the Industrial Property Law nº 9,279/1996, specifically in its articles 176 to 182 (Lei nº 9.279, de 14 de maio de 1996).

This law is embracing and defines the rules for the protection of Industrial Property rights in Brazil. Articles 176 to 182 deal with the registration of GIs, defining two modalities for the same, namely Indication of Origin and Denomination of Origin (Lei nº 9.279, de 14 de maio de 1996). The definition of IO and DO is established in the LPI through articles 177 and 178.

In this case, the quality of the products is related to the place where they are produced and the peculiarities of the region, with the concept of valuing the territory being included in this analysis. According to LPI, the denomination of the asset comes from peculiarity, which is linked to the geographic name of origin, or is linked to the origin, going beyond natural conditions, including human factors and social relations established in the place.

In addition to Law nº 9,279/1996, there are other legal provisions that guide GI registration requests in Brazil. INPI Normative Instruction (NI) nº 95/2018, of December 28, 2018, which establishes the conditions for the registration of Geographical Indications, was confirmed as a milestone for this topic in Brazil, implementing a series of innovations. Among the novelties of IN 95/2018 is the change in the nomenclature of the Regulation for the Use of GIs, becoming known as the Technical Specifications Booklet (Normative Instruction No. 95 of December 28, 2018). This NI was recently revoked by Ordinance/INPI/PR Nº 04, of January 18, 2022, which consolidates the normative acts that established the conditions for the registration of Geographical Indications, provides for the reception and processing of requests and petitions and on the Geographical Indications Manual (Ordinance/INPI/PR No. 04, of January 12, 2022). Despite revoking the previous rule, the ordinance did not change its content.

The application for a GI registration request with INPI is carried out according to the specifics contained in the Technical Specifications, prepares in the delimited territory, according to Ordinance/INPI/PR Nº 04, of January 12, 2022, and in the Geographical Indication Manual (INPI, 2022; INPI, 2021). It is essential that the rules contain in this booklet are well defined and approved by the community, which will use the GI, especially local producers since they are responsible for directing the production and marketing of products. These requirements create conditions that avoid deconstructing the main purpose of the GI, proving an important service to the country's producers and consumers, as recorded in LPI (Tonietto and Bruch, 2021; Silva et al., 2019; Crescenzi et al., 2022).

One of the outstanding products with potential for GI registration in Brazil is cachaça. There is specific legislation that defines it as a typical Brazilian drink. According to Souza et al. (2020), it is obtained from the fermentation process, that is the fermented sugarcane juice, with an alcoholic strength ranging between 38% and 48% by volume at 20°C.

The established of identity and quality standards for sugarcane spirit and cachaça are discussed through the Normative Instruction of the Ministry of Agriculture, Livestock and Food Supply (MAPA), NI nº 13 of June 29, 2005 (MAPA, 2005). In 2021, a public consultation was submitted with the aim of presenting Ordinance nº 339, of June 28, 2021, which updates the rules provided for NI nº 13/2005, revoking the other normative acts (MAPA, 2021). The production process of this drink is different from others that also involve sugar cane as a product, such as rum. In this case, it involves the fermentation of molasses, which is already a by-product of sugar production (Conceição et al., 2019).

The GI of cachaça in Brazil was instituted through Decree nº 4.062, of December 21, 2001. This document defines the expressions “cachaça”, “Brasil”, and “cachaça do Brasil” as Geographical Indications (Decree No. 4062, of December 21, 2001). INPI/PR Normative Instruction nº 68, of March 2, 2017, establishes the conditions for the registration of Cachaça GIs and makes reference to Resolution 105, of October 31, 2016 – the Executive Management Committee of the Foreign Chamber of Commerce (CAMEX) (Note 1), which approved the Regulation for the Use of the GI “cachaça” in accordance with technical criteria defined by Ministry of Industry, Foreign Trade and Services and Ministry of Agriculture, Livestock and Food Supply within the scope of their respective competences (Resolution No. 105, of October 31, 2016; INPI, 2017; Resolution PR No. 233, of 01/18/2019).

The recent INPI publication for the GI registration segment of Cachaça in Brazil took place on January 12, 2022, and refers to Ordinance /INPI/PR Nº 06/2022. This regulation enters into force presenting the conditions for registration with INPI of GI Cachaça, revoking NI nº 68/2017 (Portaria/INPI/PR nº 06, de 12 de janeiro de 2022e; Instrução Normativa do INPI/PR nº 68, de 02 de março de 2017).

The constitution of a GI is linked to the search for the valorization of the product and the territory, in several aspects, as says Cerdan et al. (2010). In the production chain of cachaça, the possibility of improving the management of producers and territorial agents stands out; the expansion of knowledge regarding the concept of GI linked to the product and the better organization of inspection laws and diversification of public policies aimed at recognizing and maintaining GI (Cerdan et al., 2010).

## 2. Method

The methodology chosen for the research is of a qualitative nature and as for its objective, the research is classified as exploratory, using the techniques of bibliographical and documental reviews, through the data base of GI records of INPI and Industrial Property Magazines (RPI) As Gil (2009) states, while the objective of bibliographic research seeks to address concepts on the subject that have already been studied in books, scientific articles and conference proceedings, documentary research is concerned with obtaining information that is beyond academic centers.

The study is divided into two stages. Initially, it started with a review of the literature and legislation, through

bibliographic research in articles, theses, dissertations and in scientific databases, such as manuals and specific legislation, which bring the theme of GI in Brazil, especially those that have their main activity the cultivation of sugar cane for the production of cachaça.

The qualitative analysis resulted from systematic search for information and evaluation of scientific productions located on research platform such as Google Scholar and Web of Science, containing the following keywords: Geographical Indication (GI); Indication of Origin (IO); Denomination of Origin (DO); Liquor; Brazil; Territory and Territoriality, accessed in English. In view of the prospection, after refining the search over the last five years (2018 to 2022), 28 documents were collected from the Web of Science database, while 76 documents were retrieved from the Google Scholar database.

In the next step, a search was carried out in documents and secondary data, collected from the electronic addresses of the National Institute of Industrial Property National Institute of Industrial Property, of Ministry of Agriculture, Livestock and Food Supply, do Support Service for Micro and Small Enterprises (SEBRAE). Access to INPI website made it possible to view the “Geographical Indication Application/Registration Tracking Worksheet”, updated on January 17, 2023. The research considered a time frame that covered the years between 1996 and 2022.

From these searches, deposits of requests for recognition of GIs in Brazil, linked to IO and DO, were extracted. The deposits of resident and non-residents were considered, that is, all GIs that were available on the time of the search (01/17/2023) were considered, identifying a total of 100 national GIs, 76 of the IO type and 24 of the DO type granted to residents, in addition to nine DO granted to non-residents. The data were organized and relevant information for the research was extracted from them.

The search was refined, rescuing the deposits of requests for recognition of Cachaça GI in Brazil, highlighting the three IOs, Paraty (IG200602), Salinas region (IG200908) and Abaíra microregion (BR402012000001-2). With these results in mind and theoretically based on the concepts of territory and territoriality, a table was built containing the main authors and works that highlight the initiatives to register GIs of Cachaça in Brazil.

### **3. Results and Discussion**

#### *3.1 Overview of GIs in Brazil*

As a result of the proposed study, aiming the update of the panorama of GIs in Brazil, this section begins with the analysis of the deposits of requests and registrations of GIs carried out with INPI, after the publication of Law nº 9.279, of May 14, 1996 until 2022.

According to the Geographical Indication application/registration follow-up spreadsheet, available on INPI website, accessed on January 17, 2023, there are 189 processes involving the request for GI registrations. This document highlights the requests for Geographical Indications, characterized by the following elements: the number that differentiates each request, the GI's gentile name, the species, the filling date, the applicant, the Federal Unit, as well as the type of required product or service, in addition to the current situation and the publication number in the Electronic Magazine of Industrial Property (RPI). RPI was instituted through Resolution nº 22 of May 18, 2013. This is the only body destined to publish the acts, dispatches, and decisions related to the activities of the autarchy. (INPI, 2013b).

INPI monitored 189 processes for registration of GIs between 1996 and 2022. Of these, 52.9% were granted, 3.7% were rejected, 13.2% were archived due to lack of compliance with requirements and 13,2% are in the deposit stage, that is, the initial stage of the registration process, according to Table 1, which considers the situation, detailing the number and percentage of existing processes in each situation.

In addition to these, 2.1% of GI registration requests have a published request, a situation that, according to Art. 12 of IN/INPI nº 095/2018, comprises the period in which the record is published for the manifestation of interested third parties, during a period of 60 days. Manifestations will be analyzed during the merit requirement phase (INPI, 2018).

Table 1. Status of requests for Geographical Indications – 1996 to 2022 in Brazil

<i>INPI Code*</i>	<i>Status of Request</i>	<i>Number of Process</i>	<i>Percentage</i>
[303]	Preliminary Requirement	5	2.6%
[304]	Merit Requirement	4	2.1%
[305]	Requirement	4	2.1%
[306]	Amendment - Preliminary Requirement	1	0.5%
[307]	Amendment - Merit Requirement	2	1.1%
[325]	Filed	25	13.2%
[335]	Published Order	4	2.1%
[336]	Amendment - Published Order	1	0.5%
[374]	Register Changed	2	1.1%
[375]	Rejected	7	3.7%
[380]	Appeal Notification	1	0.5%
[395]	Registration Granted	100	52.9%
[410]	Petition not known	3	1.6%
[418]	Canceled numbering	1	0.5%
[423]	Dispatch Annulled	1	0.5%
-	Deposited	19	13.2%
-	Requirement on Appeal CGREC	1	0.5%
-	Registration to Change Request	2	1.1%
Total		183	100.0%

\*Dispatch Code Table - Geographical Indications

Source: Elaborated by the authors based on INPI (2022c).

In addition to Table 1, Graphs 1 and 2 respectively show the annual evolution, number of registration request for IO type of GIs (Graph 1) and DO (Graph 2). For this analysis, the date on which the application was filed with INPI was considered.

With regard to Indication of Origin, it was verified through Figure 1 that there were 115 requests for GI registration in Brazil between the years of 1996 and 2022. It is not possible to identify an annual growth in requests, but there is a trend of growth in this number between 1999 and 2015, highlighting the higher number of requests during 2014 and 2015, with 11 and 12 requests respectively. In the last five years, the highlight in number of IO requests are the years of 2020 and 2022, with 11 requests each.

Based on the analysis of RPI editions, highlighted in INPI Geographical Indication application/registration follow-up spreadsheet, for the IO requested in 2014, approximately 90% have already obtained their registration. Of those requested in 2015, 50% are listed as granted registration and for those requested in 2020, about 37% were successful in their requests.



Figure 1. Evolution of the number of IO requests in Brazil (1996 to 2022)

Source: Elaborated by the authors based on INPI (2022c).

Figure 2 highlights the evolution in the number of DO requests, considering requests from residents and non-residents, there is a growth trend between 2006 and 2010, but the peak of DO request occurred in 2019.

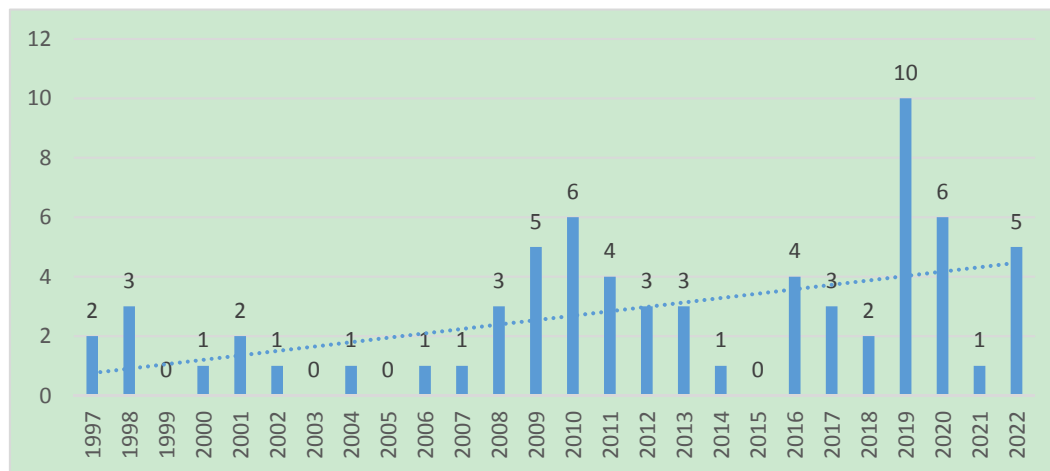


Figure 2. Evolution of the number of DO requests in Brazil (1996 to 2022)

Source: Elaborated by the authors based on INPI (2022c).

In 2019 there were 10 requests, but so far only three of these have the registration status granted (INPI, 2022c). Figure 2 shows that in addition to 2019, in 2010 and 2020 there were six DO requests each, followed by five in 2009 and four in 2011. The occurrence of requests for other years was distributed between one and three requests.

DO requests in Brazil between the years 1996 to 2002 show that there were virtually no DO registration requests by Brazilians. INPI information points out that only in 1998 was there a resident request for DO registration, Café do Cerrado (IG980002), which was filed on 05/11/1999, according to the publication of edition nº 1.479 da RPI.

The first DO granted to Brazilian residents was deposited in 1009, with its registration granted in 2011 (RPI nº 2.119, de 16/08/2011). This is IG200907, which has the geographic/gentile name Costa Negra, and the product is cultivated marine shrimp of the species *Litopenaeus Vannamei* (INPI, 2022c). Considering the year 2022, there are five new DI requests in Brazil, four of which have not yet been evaluated and one is in the preliminary requirement situation - RPI nº 2.071, of 10/11/2022 (INPI, 2022i).

Starting with the analysis of the Geographical Indications already recognized by INPI in Brazil, among those

deposited during the period of this study, it is observed that those that obtained the communication of concession of the registration of recognition is a total of 100 Brazilians, being 76 of the IO type and 24 DO type. Extending the analysis to DOs granted to non-residents, it appears that there are nine DOs. Figure 3 highlights these concessions.

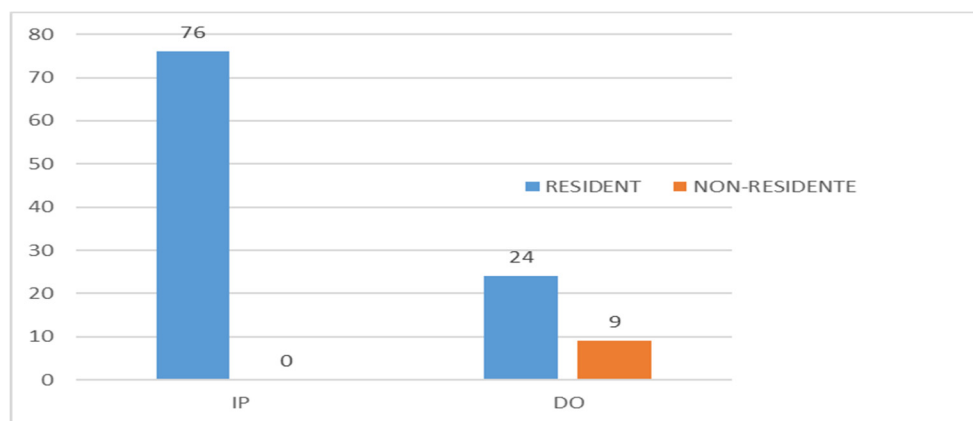


Figure 3. Geographical Indication granted in Brazil (1996 to 2022)

Source: Elaborated by the authors based on INPI (2022a, 2022b, 2022h). RPI nº 2709 of 12/06/2022

It can be seen, according to Figure 3, that Brazil is characterized by the high number of IO-type GI registrations, with 76% of the concessions being national GIs. As for DO registrations in Brazil, 72.7% of them are granted to residents and 27.3% to non-residents. Figure 4 shows the number of IOs registered by state and region.

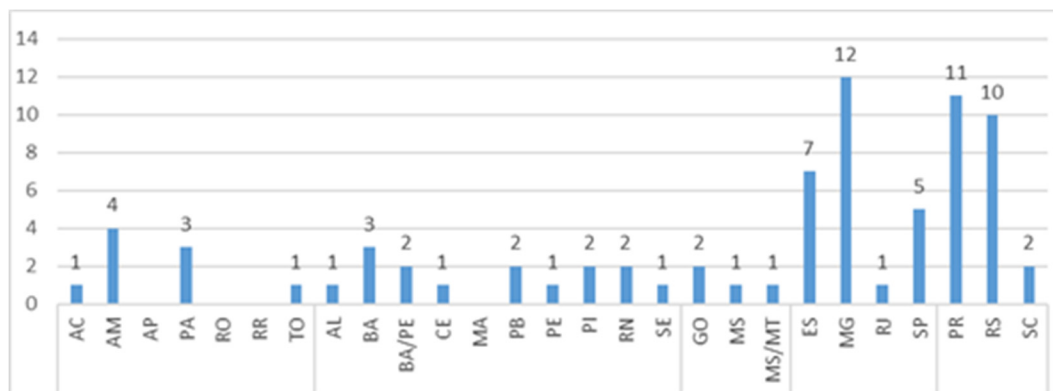


Figure 4. Indications of Origin of Brazil, by state (1996 to 2022)

Source: Elaborated by the authors based on INPI (2022h). RPI nº 2709 of 12/06/2022.

Based on data from Figure 4, updated with INPI in 2022, regarding Indications of Origin in Brazil, 15% of the states (Amapá, Rondônia, Roraima and Maranhão) do not even have a registered IO. Analyzing by region, the Southeast and the South stand out as those that concentrate the highest number of IO, reaching respectively, 33% and 30%. Then comes the Northeast region (20%), North (12%) and finally, the Midwest (5%). The results point to the regions that managed to develop a competitive position, especially with regard to agri-food products, as well as tourism and gastronomy, leveraging their local resources. (David et al. 2021).

In terms of IO registration, the largest regions are located in the states of Minas Gerais and Paraná, which aggregate the highest absolute number of IOs in the country, reaching respectively 16% and 14%. In addition to these, it seems that Rio Grande do Sul reaches approximately 13% of the national IOs. Next, comes Espírito Santo with 9% and São Paulo with 6%. The phenomenon occurs thanks to the competitive differential and appreciation of collective work, internalized among producers in these regions, associated with the development of research and technical support from institutions, aiming to add value to products and strengthen production chains.

The states of Bahia and Amazonas appear in Graph 4 with approximately 6% of recognitions each. With regard to

the state of Bahia, there is an interesting situation to be analyzed. The territorial delimitation of the IO of Table Grapes and Mangoes Vale do Submédio São Francisco and most recently the IO Vale do São Francisco (wine) cover, in addition to Bahia, the state of Pernambuco. Thus, Bahia is considered to have five IOs registered, reaching 6% of registrations in the country. Similarly, the IO of Mel Pantanal has a territorial delimitation that makes up the states of Mato Grosso do Sul and Mato Grosso.

Figure 5 groups together the Indications of Origin recognized in Brazil, considering only agri-food products. These products add up to 49 IOs, approximately 72% of the Indications of Origin registered with INPI, against 19 IOs for the other products/services. The number of IOs linked to these products, classified by products, is represented in Figure 5:



Figure 5. Indications of Origin recognized in Brazil by product (1996 to 2022)

Source: Elaborated by the authors based on INPI (2022h). RPI nº 2709 of 12/06/2022

Considering the other 18 IOs recognized in Brazil (24%), the following products stand out: finished leather from *Vale dos Sinos*; handicrafts in golden grass from *Jalapão* region in the state of Tocantins; clay pots from *Goiabeiras*; handcrafted pewter pieces from São João del-Rei; shoes from Franca; precious opal from Pedro II and handcrafted precious opal jewelry from Pedro II; marble from *Cachoeiro de Itapemirim*; colored natural cotton textiles from Paraíba; needle lace named as Lacê from Divina Pastora; renaissance lace from *Cariri Paraibano*; ornamental fish from Rio Negro; filet embroidery from *Lagoas Mundaú-Manguaba*; handmade silver jewelry from *Pirenópolis*; embroidery from *Caicó*; artistic ceramics from Porto Ferreira; hammocks from *Jaguaruana*; textile handicrafts produced by manual loom; manual production from Resende Costa – MGC and Porto Digital.

An important reflection is made with regard to IG201103, framed in the services segment – Information and Communication Technology Services through the development, maintenance and support of Porto Digital. Albino and Carls (2015) discuss the compliance of Law nº 9.279/2016 in Brazil, which ensures the possibility of granting the registration of service GIs, such as Porto Digital in Recife, Pernambuco, which had its registration granted in 2012. This GI was recognized in view of the quality in the production of software and information technologies and, moreover, the referred GI was able to comply with all the requirements established in the national legislation (Albino and Carls, 2015).

Analyzing the DO type GIs in Brazil INPI registrations that have occurred through requests from residents and on-residents. In fact, the first GI recognized in the country, in 1999, was deposited by a non-resident, required by the Viticulture Commission of Green Wine of Portugal. As the product of this DO is wine from Vinho Verde region, this registration was granted on August 10, 1999, through publication in RPI nº 1.492.

Figure 6 allows observing the classification of records of DOs granted to residents, segmented by Brazilian states and regions. The territorial delimitation of the Caparaó coffee product covers part of the states of Minas Gerais and Espírito Santo. Similarly, *melato's* honey from *bracatinga* is limited to the states of Paraná, Santa Catarina and Rio Grande do Sul, as well as Serrano Artisanal Cheese, from Campos of *Cima* from Serra is limited to areas in the states of Santa Catarina and Rio Grande do Sul.

As it is occurring with the IOs, the regions with the most DOs registered with INPI are the Southeast and South, with 42% and 37% of the registrations of residents in Brazil, respectively, as shown in Figure 6:



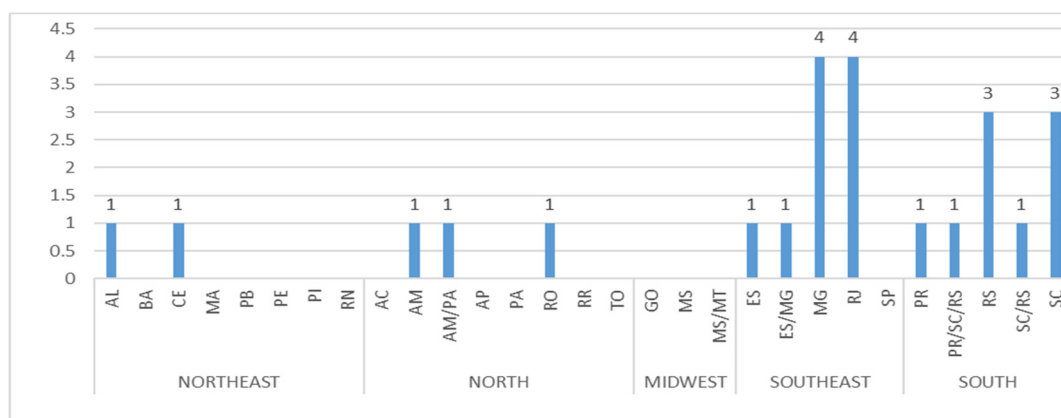


Figure 6. Denomination of de Origin of Brazil by state (1996 to 2022)

Source: Elaborated by the authors based on INPI (2022g). RPI n° 2708, of November 29, 2022

While 85% of the Brazilian states have at least one IO recognized by INPI, with regard to DO, only 42% of the states have a registration. The Midwest region do far has not achieved any recognition. Minas Gerais, Rio Grande do Sul and Santa Catarina have the highest percentage of registrations, each state with more than 20% of DOs recognized, thanks to the movement to value and engage products and producers. Next come the states of Rio de Janeiro, with 17% of DO registrations of residents. Paraná, Espírito Santo, and Amazonas have about 10% of recognized DOs. Finally, Pará, Roraima, Ceará and Alagoas are in the approximate percentage of 5% according to Figure 6.

The most recent DO, recognized in Brazil (November 2022) is also delimited in the territory of Rio Grande do Sul and was requested in April 2021 by Pinto Bandeira Wine Producers Association. The gentile name of this DO is Altos de Pinto Bandeira, and its product is a natural sparkling wine. It is registered with RPI under n° 2.708 of November 29, 2022 (INPI, 2022g).

Figure 7 groups DOs recognized in Brazil by product (1996 to 2022), considering agrifood products. The most prominent product is coffee, with the highest concentration in the state of Minas Gerais, followed by Espírito Santo and Rondônia.

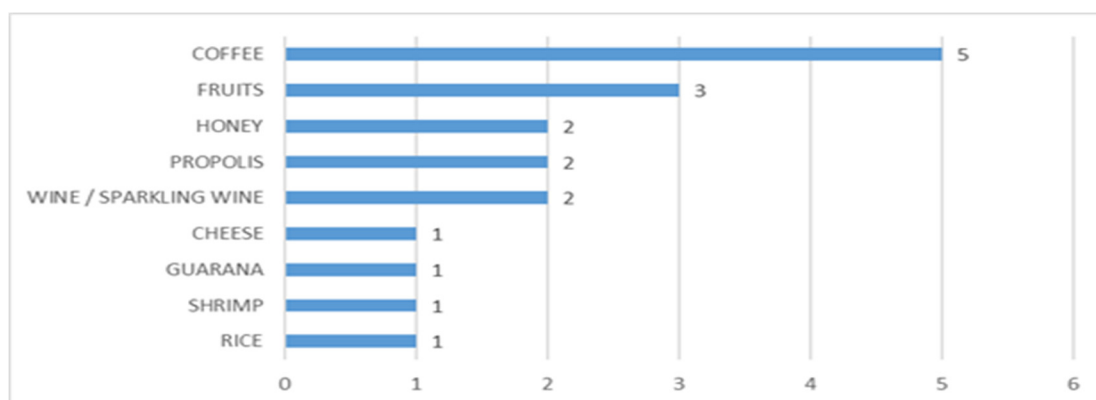


Figure 7. Denomination of Origin recognized in Brazil by product (1996 to 2022)

Source: Elaborated by the authors based on INPI (2022g). RPI n° 2708 of 11/ 29/2022

Following the general trend outlined in this panorama of Brazilian GIs, when talking about DOs, residents' records are primarily related to agrifood products. This segment reaches a percentage greater than 75% of DOs granted to residents. The products that are subject to DO recognition in Brazil, but which are not linked to agrifood products, are located in the state of Rio de Janeiro and are of the following type: white mylonitic phytate gneiss; light colored mylonitic phytate gneiss and gray colored mylonitic phytate gneiss, registered with the geographical; gentile names respectively of Carijó Stone Region Rio de Janeiro, Wood Stone Region Rio de Janeiro and Stone Gray Region Rio de Janeiro.

Complementing the analysis of DOs with registration granted, Chart 1 presents the results, in terms of DOs recognized for non-residents on Brazil, considering the geographic/gentile name, type of product, applicant, publication of the concession in RPI and requesting country.

Chart 1. Denominations of Origin recognized in Brazil - non-residents (1996 to 2022)

Nº	GEOGRAPHICAL INDICATION (FOREIGNER)	PRODUCT	APPLICANT	COUNTRY
1	Green Wine Region	Wine	Comissão de Viticultura da Região dos Vinhos Verdes	Portugal
2	Cognac	Wine distillate or wine brandy	Bureau National Interprofessionnel du Cognac	France
3	Franciacorta	Wines, sparkling wines and alcoholic beverages	Consorzio Per la Tutela Del Franciacorta	Italy
4	San Daniele	Fresh pork thighs, raw smoked ham	Consorzio del Prosciutto di San Daniele	Italy
5	Porto	Vinho generoso (liqueur wine)	Instituto dos Vinhos do Douro e Porto	Portugal
6	Napa Valley	Wine	Napa Valley Vitners Association	United Stated
7	Champagne	Sparkling wine	Comté Interprofessionnel Du Vin de Champagne	France
8	Roquefort	Cheese	Conf. Gen. des Prod. Lait de Brebis et des Ind. de Roquefort	France
9	Tequila	Blue variety weber tequilana agave distillate	Consejo Regulador del Tequila A. C.	Mexico

Source: Elaborated by the authors based on INPI (2022b). RPI nº 2.510 of 02/12/2019

DOs recognized in Brazil by non-residents account for 30% of those granted. Altogether in Brazil, between the years of 1999 and 2022, registrations were granted to nine DOs of non-residents, with 80% of these registrations referring to alcoholic beverages. The main ones are: Vinic distillate or wine brandy, Cognac from France, Franciacorta sparkling wines and spirits from Italy; Vinho generoso (liqueur wine) from Porto in Portugal; wines from Napa Valley in the United States of America; sparkling wines Champagne from France and Tequila Blue Variety Weber Agave Tequilana Distillate from México.

The others refer to fresh pork legs, raw smoked ham, DO San Daniele from Italy, and Roquefort cheese from France. The last non-resident DO recognize in Brazil was Tequila from Mexico, published in RPI nº 2.510, on February 12, 2019.

In light of the panorama of GIs outlined in Brazil over more than two decades of LPS's existence, Mascarenhas and Wilkinson (2014) help in understanding elements that favor strategies for the recognition of new GIs in the country, further expanding the number, wither IOs or DOs. There are socioeconomic, geographic, environmental, ethnocultural, institutional factors, in addition to the characteristics of agricultural activity that "favor a diversity of terroirs, cultural elements and specific know-how" (Mascarenhas and Wilkinson, 2014, p. 110), making it possible to reach other regions from the country.

### 3.2 Indications of Origin of Cachaça in Brazil

The quest to obtain a GI record is configured as a strategy for valuing the product based on the relationships established in the delimited geographic space. For Raffestin (1993) the notion of territory emerges after

understanding the idea of space, being the place where energy is sent with work and relations are established. Associated with the concept of territory, in the understanding of Flores (2015), it is built from the existence of social actors and power relations that are structured in the set of elements that encompasses the State, organizations and individuals.

Supported by the social sciences, the understanding of the concept of territoriality, as shown by Raffestin (1993), emerges through the synergy between space and territory, however, it is broader than a simple relationship between man and territory. The concept is based on a three-dimensional system that involves society, space and time, through a set of relationships that aim to guarantee autonomy and that are compatible with the existing resources in the system (Santos, 2009; Raffestein, 1993). Flores (2015) reinforces the idea that territoriality is linked to the identity of the place, being influenced by established conditions. It can suffer continuity and discontinuity in time and space (Flores, 2015).

In Brazil, there are three IOs for the cachaça-type sugarcane spirit product, recognized by INPI. Table 2 highlights the main elements that characterize these IO-type of GIs:

Chart 2. Indications of Origin of Cachaça brandy in Brazil

Geographical Indication Paraty (IG 200602). Kind: Indication of Origin. Applicant: Associação dos Produtores e Amigos da Cachaça Artesanal de Paraty – Apacap. Product: Spirits, like cachaça and bluish composite brandy. Publication of the Concession: RPI nº 1.905, of July 10, 2007.
Geographical Indication: Salinas Region (IG200908). Kind: Indication of Origin Applicant: Associação dos Productres Artesanais de Cachaça de Salinas – Apacs. Product: Sugarcane brandy of cachaça type Publication of the Concession: RPI nº 2.180, of October 16, 2012.
Geographical Indication: Microregion of Abaíra (BR402012000001-2). Kind: Indication of Origin. Applicant: Associação dos Produtores de Aguardente de Qualidade da Microregion of Abaíra. Product: Sugarcane brandy of cachaça type. Publication of the Concession: RPI nº 2.284, of October 14, 2014.

Source: Elaborated by the authors based on INPI (2022b). RPI nº 2640 of 08/10/ 2021

With regard to the productive development of the Brazilian cachaça segment through the recognition of Geographical Indication, the advantages of valuing know-how, traditional techniques that are involved in the productive activity, as well as notoriety, preservation of the culture territorial, among other aspects (Queiroz et al., 2021; Conceição, Rocha and Silva, 2019; Almeida, 2015). Considering the accumulated experience with cachaça GIs already recognized in Brazil, it is very important to expand this number (Queiroz et al., 2021).

In view of the current scenario of registration of GIs in Brazil, which shows as increase in concessions of agrifood products and alcoholic beverages, there is a vast literature that contemplates the advantages and benefits arising from recognition of new GIs (Santos et al., 2021; Souza et al., 2020; Medeiros and Passador, 2015). Observing as an example the already consolidate IOs (Paraty, Região de Salinas and Microregion of Abaíra), in terms of the relationship between producers, the productive chain and the delimited territory (Queiroz et al., 2021), the recognition of GIs in this segment associates with the appreciation of the territory and the productive development, as well as the social function of the producers inserted in the place (Niederle et al., 2016). Chart 3 highlights articles that demonstrate initiatives to recognize cachaça GIs referenced in the literature.

Chart 3. Initiatives for registering cachaça GIs in Brazil

Authors	Title
Santos et al. (2021)	Brand protection and geographical indication in the cachaça industry
Souza et al. (2020)	<i>Cachaça Rainha do Santo Onofre</i> from Paratinga - Bahia: Potential for Geographical Indication of Origin.
Silva et al. (2018)	Coopama and the Cachaça Production Chain from Bahia “Abaira”.
Rocha (2016)	Intellectual property by geographical indication: the case of cachaça from Brejo Paraíba.
SEBRAE (2016)	Brazilian geographical indications: cachaça.
Bertoncello et al. (2016)	Protected Geographical Indication: does it add value to the product and induce Regional Development? The case of Cachaça from Paraty.
Flores (2015)	The territorial dimension of innovation and sustainability in the territory of cachaça and sugarcane derivatives - North Coast of Rio Grande do Sul.

Source: Elaborated by the authors (2022)

In the survey carried out through the Google Scholar and Web of Science research platform, no publications in English were found linking cachaça registration initiatives with Geographical Indications. The scope of this research included the keywords Indication of Origin (IO), Denomination of Origin (DO), Cachaça (Liquor), Territory and Territoriality.

GI is configured through recognition directed at a collective of authors who are involved in the process of valuing a given product. Its constitution enables the creation of a network formed by research and development institutions, associations, producers, and society in general (Conceição et al., 2020; Souza et al., 2020; Conceição, Rocha and Silva, 2019).

Extending this analysis of Table 3, the perception of the authors and emphasis on elements that characterized, organize, and individualize the productive process regarding the valorization of cachaça as a GI becomes evident. According to Queiroz et al. (2021, p. 2), “obtaining the expansion of recognition of Geographical Indications for the main producers of cachaça in Brazil may enable the economic development and competitive advantage of the product”.

It is known that, in addition to launching mechanisms aimed at valuing the territory in which the GI is inserted, allowing the differentiation of products and the promotion of regional tourism, this recognition for cachaça allows adding other values for the producers themselves and their families, stimulating the economy, expanding aspects aimed at cooperatives and associations. The potential of a GI effectively interferes directly in economic, social, environmental, and institutional dimensions. In this sense, finally, the territory aggregates special objects that are fundamental for this collective construction, enabling the valorization of the place.

#### 4. Conclusions

Brazil regulated the production of Geographical Indications through the Industrial Property Law, Law nº 9.279 of May 14, 1996. On one hand, art. 177 defined as IO the reference of the extraction, production or manufacturing center of a certain product or service and art. 178 characterized DO through qualities similar to the geographic environment, especially including natural and human factors.

This study comprised the evaluation of the panorama of GIs during the years 1996 and 2022, rescuing in Brazil a quantity of 100 GIs recognized by Brazilians, among them 76 of the type IOs and 24DOs. In addition to these 24 DOs, nine were granted to non-residents.

The first IO recognized in Brazil in 2002 was “IP Vale dos Vinhedos”, in the state of Rio Grande do Sul, where the largest number of IOs in the country is concentrated. Regarding the DO, the first to be recognized was a non-resident (Região dos Vinho Verde, Portugal, August of 1999) and the last recognition highlighted in this study is the last recognition highlighted in this study is the “DO Altos de Pinto Bandeira”, which occurred in November 2022, in the state of Rio Grande do Sul.

From this study it is concluded that, even with the advances observed since the publication of Law Nº 9.279/1996, in more than two decades of the Law’s existence, the number of GIs in the country is still far below the existing

potential in Brazil, as discussed due to the large territorial extension and diversity of biomes and economic potential. The concentration, whether in terms of IO or DO, occurs in the South and Southeast, with the states that have a large territorial extension and productive diversity, but which still do not have any recognized GI, as is the case of Amapá, Roraima, Rondônia and Maranhão, in the case of IOs and Bahia, Maranhão, Paraíba, Pernambuco, Piauí, Rio Grande do Norte, Acre, Amapá, Roraima, Tocantins, Goiás, Mato Grosso, Mato Grosso do Sul and São Paulo, in the case of DOs.

It is worth extracting from this study the impact of IOs related to agrifood products in Brazil and the number of DOs related to distillates, especially those deposited by non-residents. For the type of brandy product, in Brazil so far only the GIs Paraty, Região de Salinas and Microregion of Abaira.

The cachaça production chain has a small number of GI records in Brazil, even though there is specific legislation defining the drink as typically Brazilian and many initiatives for registration that demonstrate the importance of this product in the territorial context. INPI has been updating its legislation regarding the registration of cachaça GIs, in order to encourage the appreciation of this activity. Producers see a potential in this segment that can still be better explored.

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## Note

Note 1. The Foreign Trade Chamber – Camex is responsible for formulating, adopting, implementing and coordinating policies and activities related to Brazilian foreign trade, the attraction of foreign direct investment, Brazilian investments abroad, tariff and non-tariff issues and financing to exports with the aim of promoting increased productivity and competitiveness of Brazilian companies in the international market.



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