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The “Law to Use the Mark the DelPaís,” Act 195-2016: Case Study of a Puerto Rican Certification Mark with Potential Of Becoming a Geographic Indication for Economic Development

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Abstract

In 2016, the Puerto Rican Congress codified the “Law for the use of the DelPaís Mark” (the DelPaís Law), creating a composite certification mark called Productos DelPaís de Puerto Rico (the DelPaís Mark) for raw fruits, milk, honey, meats, egg, fish, ornamental plants, spices, vegetables, starches, and value-added products. The Puerto Rican Department of Agriculture intended the DelPaís Mark to function as a certification mark and Geographical Indication (GI) to differentiate local from imported products to promote purchasing of locally produced items and eventually export internationally. A GI is a source identifier identifying that a place makes a particular product with unique characteristics, so there is a higher consumer’s recognition and willingness to buy such products and help these communities’ economic development. Despite the Department’s efforts, the DelPaís Mark deters positive economic growth of small and medium enterprises, failing as a Certification Mark and potential GI. The cases of Café de Colombia, Hawaiian Kona Coffee, Jamaica Blue Mountain Coffee, and Tequila de Mexico derive Five

Factors predominating in GI policies. These are Product Definition, Collective Organization, Marketing, Legal-Institutional Framework, and Economic Impact. Some issues found in the DelPaís Law range from inconsistent marketing, vague administrative procedures, lack of product definitions, disorganized support, and limited economic impact. Recommendations serve as guidelines for uniformity in production, marketing plan, organizing supply chain, financial and technical aid, a cooperative food hub, and recording data to measure progress and attract investors for the existing certification mark and creating a GI.

Keywords: trademarks, geographical indications, Puerto Rico, economic development, agriculture