

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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Paola Gabriela Zaragoza Cardenales

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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.

## INTRODUCTION

This dissertation is a case study focusing on Puerto Rico’s “Law to Use the DelPaís Mark,” Act 195-2016 (the DelPaís Law), which created the *Productos DelPaís de Puerto Rico* (Products of the Country of Puerto Rico or the DelPaís Mark), a composite certification mark differentiating local from imported products in domestic markets. As discussed here, the DelPaís Law and Mark are an example of the general failure to achieve positive economic development for small and medium enterprises. A case study illuminates reasons for failure and proposes solutions to the Law to improve the Mark. An analysis of how GIs work in Café de Colombia, Hawaiian Kona, Jamaica Blue Mountain Coffee, and Tequila de Mexico shed light on the Five Factors of successful GI policy. Geographic Indicators (GIs) are a source identifier that may improve economic development by selling products in niche international and domestic markets. The Five Factors create the criteria for evaluating why DelPaís Law failed and identify policy changes for the certification mark and create a GI. This chapter explores the DelPaís Law’s history, problem, aims, objectives, questions, importance, limitations, and delineates a roadmap.

### **I. PROBLEM STATEMENT AND BRIEF HISTORY OF THE DELPAÍS LAW AND MARK**



Figure 1: The DelPaís Mark Logo.<sup>1</sup>

In 2002, the Puerto Rican Agricultural Department created the composite certification mark the DelPaís Mark to help agricultural businesses market products, as producers lacked such skills. In 2016, the Puerto Rican Congress gave the DelPaís Mark legal standing and passed the

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<sup>1</sup> Puerto Rico Trademark Register (PRTR) Active Registration Nos.: 226720-29-1; 226720-30-1 and 226720-31  
Website: <https://www.facebook.com/DelPaisPR>; Logo authorized to reproduce.

DelPaís Law. The law gave Fondo de Innovación para El Desarrollo Agrícola (FIDA), sub-agency to the Puerto Rican Department of Agriculture, power to own and manage the DelPaís Mark.<sup>2</sup>

The DelPaís Mark is a composite certification mark for raw fruits, milk, honey, meats, egg, fish, ornamental plants, spices, vegetables, and starches. Value-added derivative products also qualify if they have 65% or more locally produced ingredients. Farmers are eligible to use the DelPaís Mark if they have incorporated business with domicile in Puerto Rico that are dedicated to the agricultural industry and possesses financial capacity to follow sanitary standards and produce to sell at least one product listed above. Thanks to the Law, the Department of Agriculture receives USDA Buy Local Program to allocate funds for products under the DelPaís Mark.<sup>3</sup>

The language of the DelPaís Law encourages the use of the DelPaís Mark to combat consumer preferences for imported products. For perspective, foreign companies importing products generate \$6 billion in net income, while local industry makes only \$920 million, representing 80% and 20%, respectively.<sup>4</sup> Some reasons for this are the implementation of land limitations, food stamp programs, export limitations, and tax exemptions for foreign agricultural businesses that cause Puerto Rican consumers to view imported foods as superior to local foods.<sup>5</sup> With the DelPaís Mark, local products should have 65% higher recognition among Puerto Rican consumers. Consumers were estimated to be willing to pay 15 to 45% more for those products than those that do not use the DelPaís Mark. Once the DelPaís Mark gained traction and popularity

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<sup>2</sup> LEY PARA EL USO DE LA MARCA DELPAÍS, 2016 PR LAW 195, 5 LPRA (2016); DEPARTAMENTO DE AGRICULTURA, *Reg 8649-Reglamento para Regir la Concesión de Licencias y Autorizaciones de Uso de Marcas de Fábric*, (2015).

<sup>3</sup> LEY PARA EL USO DE LA MARCA DELPAÍS, 2016 PR LAW 195, *supra* note 2.

<sup>4</sup> *Id.*

<sup>5</sup> DR. MYRNA COMAS PAGÁN, PLAN DE SEGURIDAD ALIMENTARIA PARA PUERTO RICO 3–11 (2013), <https://drive.google.com/file/d/1Cequaac-IBUTvmX-N0004uNqjQJ49Jrv/view>; Dr. Myrna Comas Pagán, *Vulnerabilidad de Las Cadenas de Suministros, El Cambio y El Desarrollo de Estrategias de Adaptación: El Caso de Las Cadenas de Suministros de Alimento de Puerto Rico*, 2009, (Dissertation for Ph.D in Phylosophy in Business Administration Published 2009 International Commerce Program at University of Puerto Rico Mayagüez Campus), <http://academic.uprm.edu/mcomas/HTMLobj-159/tesis.pdf>.

in the domestic market, products under the Mark were sold in the U.S. mainland and international market. It was estimated that the DelPaís Mark improve the Puerto Rican agricultural economy by increasing local production to 30-40% (\$960 million) and reduce imports to 70-75%.<sup>6</sup>

Despite the DelPaís Mark's benefits, there are some drawbacks as well. The DelPaís Mark has limited recognition in Puerto Rico, marginal benefits for farmers, unsupportive government, inconsistent marketing, and vague guidelines. Implementation fell short as the DelPaís Mark does not properly fulfill its goal to certify raw and value-added products produced in Puerto Rico due to the lack of enforcement and clear guidelines for farmers. For perspective on how the mark failed, local production never increased to the estimated \$960 million, imports rose to 90%, and the DelPaís Mark has only 50% consumer recognition. Also, some value-added products that bear the DelPaís Mark do not have ingredients cultivated and harvested in Puerto Rico, as many processors buy raw material from a local business to comply with the stipulated percentage. Additionally, farmers saw a fluctuating and inconsistent return on investment from the government that did not outweigh their time and effort.<sup>7</sup> Thus, the DelPaís Law is an example of a failed certification

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<sup>6</sup> Judith Saade Maldonado, *Productos DelPaís: Rebranding Local Agricultural Products*, 12-15, 2009, (Sent and Authorized to Cite by Judith Saade Maldonado (Research presented as one of the requirements to obtain the degree of Master in Business Administration University of Puerto Rico Rio Piedras Campus Graduate School of Business Administration) Unpublished, Adm. Empresas – HD9000.5 .S23 2011); Saritza Aulett Padilla, *Logros: FIDA, AGROTEMAS DE PUERTO RICO: DE AHORA*, 2015, [https://issuu.com/luisa.curbelrodriguez/docs/agrotemas\\_dic\\_2015\\_\\_](https://issuu.com/luisa.curbelrodriguez/docs/agrotemas_dic_2015__); Dr. Myrna Comas Pagán, *Recuento de los logros de la Secretaria, Dra. Myrna Comas durante su incumbencia en el Departamento de Agricultura de Puerto Rico*, Noviembre 2016 AGROTEMAS DE PUERTO RICO: DE AHORA, 2016, at 3, 8, 13; AURA ALFARO, DEPARTAMENTO DE AGRICULTURA EXPORTARÁ MARCA DE FLAN NACIONAL A EEUU; AGRICULTURA EXPORTARÁ NUEVO FLAN DELPAÍS (2008), <https://www-proquest-com.proxyiuib.uits.iu.edu/docview/466977313/6ED929B202864E8DPQ/1?accountid=11620>; DENNIS COSTA, DELPAÍS STRENGTHENS SUPPLY OF FRESH PRODUCTS (2016), <https://caribbeanbusiness.com/delpais-strengthens-supply-of-fresh-products/?print=print>; NEWS IS MY BUSINESS, AGRICULTURE DEPT. TO BOOST MARKETING OF LOCAL PRODUCTS SOLD UNDER “DELPAÍS” BRAND (2019), <https://newsismybusiness.com/agriculture-dept-to-boost-marketing-of-local-products-sold-under-delpais-brand/>.

<sup>7</sup> Judith Saade Maldonado, *Interview About DelPaís Mark and Law and dissertation*, (Dec 14, 2020); Dr. Myrna Comas Pagán, *Interview About benefits, issues, goals, and other information of DelPaís Law and Mark*, (Oct 9, 2020); Juan Lara, *Interview About economic impact and data of DelPaís Mark and Law*, (Oct 17, 2020); Heriberto Martínez, *Interview About economic impact and data of DelPaís Mark and Law*, (Oct 16, 2020); José Villamil, *Interview About economic impact and data of DelPaís Mark and Law*, (Oct 8, 2020); José Alameda, *Interview About economic impact and data of DelPaís Mark and Law*, (Oct 28, 2020).

trademark, and a case study illuminates the reasons for failure and proposes solutions.

This dissertation looks at two distinct categories of intellectual property that identify a place of origin, the trademark and geographical indication (GI). Even though the DelPaís Mark is a certification trademark, the amendments can change the DelPaís Law to potentially integrate or at least have guidelines to create a GI policy. Compared to other existing trademarks, the DelPaís Mark has elements similar to the Five Factors predominating in GI policies so the Law can have a product-origin-quality link as required in TRIPS and other treaties. With the Five Factors elements present, amendments are proposed to solve issues in the certification trademark and create a GI policy. Chapter I will bring more detail and clarity to the concepts presented in this introduction.

## **II. AIMS, OBJECTIVES, AND RESEARCH QUESTION**

The aim is to evaluate the feasibility of creating a Geographical Indication (GI) Law through recommended policy amendments to DelPaís Law. The objectives to achieve this aim are to 1) Explain GI and justify reasons to implement them for economic development; 2) Study the Five-Factor strategy in GI policies Café de Colombia, Hawaiian Kona, Jamaica Blue Mountain Coffee, and Tequila de Mexico; 3) Apply the Five-Factor policy to identify why the DelPaís Law's history, implementation failed; and 4) Recommend policy suggestions within the Puerto Rico-United States relationship. The question is: Can DelPaís Law, with the proper modifications, improve an existing certification mark and potentially create a GI law used for the agricultural economic development of Puerto Rico?

## **III. STUDY IMPORTANCE**

The suggested recommendations help target promotions to Puerto Rico's most productive agricultural sectors while also expanding to other industries, such as tourism. The findings foster collaboration of farmers, other supply chain participants, government and private entities to

achieve uniformity in local production and attract new target markets. The study encourages using new legal tools different from those traditionally used in Puerto Rico for economic development. Also, suggested recommendations create a sense of uniformity in economic development planning. Therefore, scholars, government, and other institutions in Puerto Rico can plan out coordinated efforts towards the same goal and use all available resources, avoiding duplicate efforts and uneven distribution of financial and technical assistance. The findings provide farmers and policymakers guidelines for using the Five Factors in certification marks, GIs, and other source indicator types. Also, the Five Factors can be implemented in administrative regulations, association bylaws, or other non-legal, non-governmental documents.

#### **IV. ROADMAP**

The literature review defines GIs, distinguishes main legal treatments, and justifies GI policies are an excellent tool for developing countries' economic growth. Chapter II discusses the Five Factors for GI policy: product definition, Collective Organization, legal-institutional structure, marketing, and Economic Impact. The Five Factors are the criteria for evaluating why DelPaís Law failed in Chapter III. Chapter IV examines the viability of recommendations attached to the Five Factors. Finally, the conclusion reflects on contributions and study implications.

### **METHODOLOGY**

The method discusses study design, theoretical framework, method type, data collection, limitations, works inspiring this dissertation, study choices, and a qualitative case study.

#### **I. THEORETICAL FRAMEWORK**

Literature points to four theories at the core of implementing the GIs policies and the Five Factors. These are: 1) Akerlof's Information Asymmetry Theory: Consumers have less information than producers and a medium, like a label, bridges this asymmetry. 2) Shapiro's Firm

Reputation Model: Circular relationship where a producer invests in quality to output a return on investment and increase reputation. 3) Ostrom's Collective Theory: "Collective goods" depend on collective action. 4) Schumpeter's Innovation Theory: Intellectual property drives economic development.<sup>8</sup>

In applying these theories to a source identifier like a GI, scholars state that these reduces information asymmetry, giving the consumer more bargaining power and information. With more information, the consumers gain trust in the producer and buys more; the producer has a return on investment for improving the quality of goods. The long-term sustainability in quality and reputation depends on producer, supply chain and governmental support. In turn, the GI is an innovation that can help derive economic benefits to the community of producers.<sup>9</sup>

Similarly, the Five Factors fit into the theoretical framework in that delineating Product

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<sup>8</sup> Adam Szirmai, Wim Naudé & Micheline Goedhuys, *Entrepreneurship, Innovation, and Economic Development: An Overview*, in ENTREPRENEURSHIP, INNOVATION, AND ECONOMIC DEVELOPMENT A STUDY PREPARED FOR THE WORLD INSTITUTE FOR DEVELOPMENT ECONOMICS RESEARCH OF THE UNITED NATIONS UNIVERSITY (UNU-WIDER) AND MAASTRICHT ECONOMIC AND SOCIAL RESEARCH INSTITUTE ON INNOVATION AND TECHNOLOGY (UNU-MERIT), 1.2.3 (Adam Szirmai, Wim Naudé, & Micheline Goedhuys eds., 1st ed. 2011), <https://www-oxfordscholarship-com.proxyiub.uits.iu.edu/view/10.1093/acprof:oso/9780199596515.001.0001/acprof-9780199596515>; DR. DWIJEN RANGNEKAR, THE SOCIO-ECONOMICS OF GEOGRAPHICAL INDICATIONS: A REVIEW OF EMPIRICAL EVIDENCE FROM EUROPE 9–11 (2004), [https://unctad.org/en/PublicationsLibrary/ictsd2004ipd8\\_en.pdf](https://unctad.org/en/PublicationsLibrary/ictsd2004ipd8_en.pdf); DR. DWIJEN RANGNEKAR, DEMANDING STRONGER PROTECTION FOR GEOGRAPHICAL INDICATIONS: THE RELATIONSHIP BETWEEN LOCAL KNOWLEDGE, INFORMATION AND REPUTATION 26–27 (2004), [https://www.researchgate.net/publication/4777995\\_Demanding\\_Stronger\\_Protection\\_for\\_Geographical\\_Indications\\_The\\_Relationship\\_between\\_Local\\_Knowledge\\_Information\\_and\\_Reputation](https://www.researchgate.net/publication/4777995_Demanding_Stronger_Protection_for_Geographical_Indications_The_Relationship_between_Local_Knowledge_Information_and_Reputation); CERKIA BRAMLEY, ESTELLE BIÉNABE & JOHANN KIRSTEN, THE ECONOMICS OF GEOGRAPHICAL INDICATIONS: TOWARDS A CONCEPTUAL FRAMEWORK FOR GEOGRAPHICAL INDICATION RESEARCH IN DEVELOPING COUNTRIES 115–119 (2009), [https://www.wipo.int/edocs/pubdocs/en/wipo\\_pub\\_1012-chapter4.pdf](https://www.wipo.int/edocs/pubdocs/en/wipo_pub_1012-chapter4.pdf); Jesus Boes-Lazo, *Geographical Indications: A Great Opportunity to Foster Trade and Development under the Transatlantic Trade and Investment Partnership and the TRIPS Agreement: The Case of Belizean Bananas*, 30-34, 2016, [https://dra.american.edu/islandora/object/auislandora%3A68600?solr\\_nav%5Bid%5D=6e7a120543b985b68f45&solr\\_nav%5Bpage%5D=3&solr\\_nav%5Boffset%5D=3](https://dra.american.edu/islandora/object/auislandora%3A68600?solr_nav%5Bid%5D=6e7a120543b985b68f45&solr_nav%5Bpage%5D=3&solr_nav%5Boffset%5D=3).

<sup>9</sup> LUISA MENAPACE ET AL., CONSUMER PREFERENCES FOR COUNTRY-OF-ORIGIN, GEOGRAPHICAL INDICATION, AND PROTECTED DESIGNATION OF ORIGIN LABELS 3–5 (2011), [https://lib.dr.iastate.edu/cgi/viewcontent.cgi?article=1146&context=econ\\_las\\_workingpapers](https://lib.dr.iastate.edu/cgi/viewcontent.cgi?article=1146&context=econ_las_workingpapers); Menapace and Moschini, *supra* note 8 at 539–545; GianCarlo Moschini, Luisa Menapace & Daniel Pick, *Geographical Indications and the Competitive Provision of Quality in Agricultural Markets*, 90 AMERICAN JOURNAL OF AGRICULTURAL ECONOMICS 794–812, 794–799 (2008); Luisa Menapace, *Geographical indications and Quality Promotion in Food and Agricultural Markets: Domestic and International issues*, 2010, at 280, <https://lib.dr.iastate.edu/etd/11532/> (last visited Nov 16, 2020).

Definition helps the producer become more transparent to the consumer, thus reducing information asymmetry. Between a marketing plan and the product definition, a farmer builds a reputation to increase consumer loyalty and a product's quality. However, marketing and product definition needs an organization of members to collectively agree on how to sell, produce and build a sustainable product. Last, the organization needs a supportive legal-institutional structure for protection and innovation. In turn, when efforts are combined, producers, supply chain, government and consumers create economic growth to the community.<sup>10</sup>

This theoretical framework also clarifies how the DelPaís Law and Mark functions, helps analyze failures and propose solutions. First, the DelPaís Mark has a limited information asymmetry to consumers and reputation; consumers have trouble recognizing and trusting the label because there are no quality controls. The collective nature of DelPaís Mark does not render substantial benefits to farmers as there is a limited and disproportionate return on investment for farmers to build any improvements to quality and increase consumer loyalty. Finally, there is no supportive legal-institutional framework for agriculture in Puerto Rico. The solutions create checklists with objective criteria to reduce information asymmetry, build reputation, have sustainable collective action, supportive government, and substantial innovation.

## II. STUDY DESIGN, METHOD TYPE, AND STRATEGY

Yanis Rosana Blanco Santiago, *The Protection of Geographical Indications in International Trade: Reception and Effectiveness in the Puerto Rican Legal System*, inspired this dissertation's scope, format, and methodological decisions. Judith Saade Maldonado, *Productos*

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<sup>10</sup> DANIELE GIOVANNUCCI ET AL., GUIDE TO GEOGRAPHICAL INDICATIONS: LINKING PRODUCTS AND THEIR ORIGINS 89–104 (International Trade Centre (ITC) of the World Trade Organization (WTO) ed. 2009), [https://www.origin-gi.com/images/stories/PDFs/English/E-Library/geographical\\_indications.pdf](https://www.origin-gi.com/images/stories/PDFs/English/E-Library/geographical_indications.pdf); GILLES ALLAIRE ET AL., LINKING PEOPLE, PLACES AND PRODUCTS: A GUIDE FOR PROMOTING QUALITY LINKED TO GEOGRAPHICAL ORIGIN AND SUSTAINABLE GEOGRAPHICAL INDICATION 3–10 (Food and Agriculture Organization of the United Nations 2 ed. 2010), <http://www.fao.org/3/i1760e/i1760e00.pdf>.

*DelPaís: Rebranding local agricultural products*, helped identify issues and formulate recommendations. Other significant works cited throughout also validate the study's design.<sup>11</sup>

This dissertation takes Puerto Rico's the DelPaís Law as a single case to explore how the law failed to meet its aim to increase agricultural economic development. This study does not analyze Hecho en Puerto Rico, Law to create the Denomination of Origin for Puerto Rican Coffee and Puerto Rican Products, the Law to Consider Pork And Honey As Cultural Patrimony, and the Rums of Puerto Rico. These lack marketing uniformity, governmental support, Code of Practice, collective organization, and economic impact data. Moreover, Buy Local Program Trademarks suffer the same issues as the DelPaís Mark. Thus, evaluations would not render any significant changes to the policy and including them would be redundant analysis. However, literature revealed that the trademarks mentioned may improve performance and qualify if owners implement the Five Factors.<sup>12</sup>

For the reasons stated, the DelPaís Law is compared to Four GIs: Café de Colombia, Hawaiian Kona coffee, Jamaica Blue Mountain coffee, and Tequila de Mexico. Because most

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<sup>11</sup> Irene Calboli, *Geographical Indications between Trade, Development, Culture and Marketing: Framing a Fair(er) System of Protection in the Global Economy*, in GEOGRAPHICAL INDICATIONS AT THE CROSSROADS OF TRADE, DEVELOPMENT, AND CULTURE, 20 & 32, 171–75, 185 (Irene Calboli & Ng-Loy Wee Loon eds., Irene Calboli & Wee Loon Ng-Loy, ed. 2017), <https://www.cambridge.org/gb/academic/subjects/law/intellectual-property/geographical-indications-crossroads-trade-development-and-culture-focus-asia-pacific?format=HB#LX5hiK9JGI0jtWKj.97>; Justin Hughes, *Coffee and Chocolate – Can We Help Developing Country Farmers Through Geographical Indications?*, 8, 69, 73, 79 (2010), <http://www.ssrn.com/abstract=1684370> (last visited Apr 11, 2020); GIOVANNUCCI ET AL., *supra* note 10 at 1–10; Cristina Errázuriz Tortorelli, *Indicaciones Geográficas y Denominaciones de Origen: Propiedad Intelectual en Progreso*, 37 REVISTA CHILENA DE DERECHO 207, 207–222 (2010); Sarah Bowen & Ana Valenzuela Zapata, *Geographical Indications, Terroir, And Socioeconomic And Ecological Sustainability: The Case Of Tequila*, 25 JOURNAL OF RURAL STUDIES 108, 110–112 (2009); Emilie Vandecandelaere et al., *Economic Impacts of Geographical Indications: Worldwide Evidences from Nine Case Studies*, 1 13TH EUROPEAN IFSA SYMPOSIUM 18, 7–11 (2018); Nadja El Benni & Sophie Reviron, *Geographical Indications: Review of Seven Case-Studies Worldwide*, NCCR TRADE REGULATION: SWISS NATIONAL CENTRE OF COMPETENCE IN RESEARCH, WORKING PAPER NO.15, 26–36 & 68–78 (2009), [https://www.researchgate.net/publication/265618582\\_Geographical\\_Indications\\_review\\_of\\_seven\\_case-studies\\_world\\_wide](https://www.researchgate.net/publication/265618582_Geographical_Indications_review_of_seven_case-studies_world_wide).

<sup>12</sup> Anglen, Robert, “Buy local” food programs deceive consumers and are rarely enforced, a USA TODAY Network investigation finds (2018), <https://www.azcentral.com/story/news/local/arizona-investigations/2018/03/13/buy-local-made-food-labels-programs-deceive-consumers-rarely-enforced-usa-today-network-finds/389155002/>.

developing nations adopt this policy approach, the National Federation of Coffee Growers of Colombia (FEDCAFÉ) Café de Colombia GI policy was chosen for this study.<sup>13</sup> The success of Café de Colombia is due to a balance of social and economic awareness and applying the best lessons and practices from other countries. Hawaiian Kona Coffee was chosen for comparison because of the similarities in laws and sociological aspects between Hawaii and Puerto Rico. Hawaii experiences the same issue of U.S. mainland companies buying off land, tax incentive to promote manufacturing, and an unsupportive government towards agriculture.<sup>14</sup> Finally, this paper evaluates Jamaican Blue Mountain Coffee and Tequila de Mexico GI as models to avoid. Jamaican Blue Mountain Coffee lacks participation, has little production, and has a volatile economy.<sup>15</sup> Corruption, coyotes, celebrities, and U.S. companies force the Tequila de Mexico GI to lower

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<sup>13</sup> DANIELE GIOVANNUCCI ET AL., GUIDE TO GEOGRAPHICAL INDICATIONS: LINKING PRODUCTS AND THEIR ORIGINS 177–183 (International Trade Centre (ITC) of the World Trade Organization (WTO) ed. 2009), [https://www.origin-gi.com/images/stories/PDFs/English/E-Library/geographical\\_indications.pdf](https://www.origin-gi.com/images/stories/PDFs/English/E-Library/geographical_indications.pdf); GILLES ALLAIRE ET AL., LINKING PEOPLE, PLACES AND PRODUCTS: A GUIDE FOR PROMOTING QUALITY LINKED TO GEOGRAPHICAL ORIGIN AND SUSTAINABLE GEOGRAPHICAL INDICATION 170–180 (Food and Agriculture Organization of the United Nations 2 ed. 2010), <http://www.fao.org/3/i1760e/i1760e00.pdf>; Emilie Vandecandelaere et al., *Economic Impacts of Geographical Indications: Worldwide Evidences from Nine Case Studies*, 1 13TH EUROPEAN IFSA SYMPOSIUM 18, 10–15 (2018); Aliou Baguissa Diallo, *Evaluation of the Economic Impact of Geographical Indications: Three Case Studies*, 83-84, May, 2017, <https://tel.archives-ouvertes.fr/tel-02061549>.

<sup>14</sup> JOSEPH T KEELER, JOHN Y IWANE & DAN K MATSUMOTO, AN ECONOMIC REPORT ON THE PRODUCTION OF KONA COFFEE (1958), <https://www.semanticscholar.org/paper/An-economic-report-on-the-production-of-Kona-coffee-Keeler-Iwane/f74bfee01878a0a1eeaf80583a683c4929f8d911#paper-header>; Cooperative Extension Service & College of Tropical Agriculture and Human Resources, *The Economics of Producing Coffee in Kona*, 11 AGRIBUSINESS (1998), <https://www.ctahr.hawaii.edu/oc/freepubs/pdf/ab-11.pdf>; Jason Foscolo, *The Kona Coffee Archetype: A Case Study in Domestic Geographic Indication*, 5 KY. J. EQUINE, AGRIC. & NAT. RESOURCES L. 199 (2012); SAN FRANCISCO BAY COFFEE, *The History of Kona Coffee*, (2016), [https://www.youtube.com/watch?v=3SavZ\\_gEazE&list=WL&index=3&t=0s](https://www.youtube.com/watch?v=3SavZ_gEazE&list=WL&index=3&t=0s).

<sup>15</sup> Marsha Simone Cadogan, *Geographical Indications and Development in the Third World: Towards a Strategic Approach of Intellectual Property Rights in Jamaica - The Case of Blue Mountain Coffee*, 2016, <http://digitalcommons.osgoode.yorku.ca/phd/29>; Anne-Teresa Birthwright, *Double Exposure And Coffee Farming: A Case Study Of The Vulnerability And Livelihood Experiences Among Small Farmers In Frankfield, Jamaica*, 20 CARIBBEAN GEOGRAPHY 41, 45–50 (2015); G. Belletti & A. Marescotti, *Evaluating GI registration effects by means of participatory methods. First insights from a Jamaican case*, 6–12 (2013), [http://www.bioculturaldiversityandterritory.org/documenti/145\\_300000176\\_giovanni\\_belletti\\_esrs\\_congress\\_1.pdf](http://www.bioculturaldiversityandterritory.org/documenti/145_300000176_giovanni_belletti_esrs_congress_1.pdf); Johann M. R. Antoine, Leslie A. Hoo Fung & Charles N. Grant, *Geographic determination of the growing origins of Jamaican and international coffee using instrumental neutron activation analysis and other methods*, J RADIOANAL NUCL CHEM 525, 524–530 (2015).

standards. Lastly, Mexico lacks statistical data and industrialization by invitation affects Tequila.<sup>16</sup>

Another reason for choosing these four case studies is because the Five Factors found in GI policies can be also found in certification trademarks with acquired source recognition. This means that GIs and trademarks co-exist within the same good or service depending on the market sold or are used interchangeably depending on the different qualities sold by the producers.

The research gap for this study is that Latin American and Caribbean studies focus on other intellectual property types and exclude Puerto Rico for several reasons. Studies comprise of independent countries or the exclude United States territories, do not separate Puerto Rico's data from US data, and exclude Puerto Rico as they do not fully understand its relationship with the United States.<sup>17</sup> Reforming fiscal policies, education, permits, and labor laws predominate in Puerto Rican legal scholarship, and the few that propose GIs for economic development do not provide details.<sup>18</sup> Therefore, this study fills the research gap.

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<sup>16</sup> Bowen and Zapata, *supra* note 11 at 108–111; Sarah Bowen & Marie Gaytan, *The Paradox of Protection: National Identity, Global Commodity Chains, and the Tequila Industry*, 59 SOCIAL PROBLEMS 70–93, 80–85 (2012).

<sup>17</sup> JORGE MARIO MARTÍNEZ-PIVA, KNOWLEDGE GENERATION AND PROTECTION: INTELLECTUAL PROPERTY, INNOVATION AND ECONOMIC DEVELOPMENT, 59 (Jorge Mario Martínez-Piva ed., 2009), <http://hdl.handle.net/11362/2006>; Dr. Dwijen Rangnekar, *Indications of Geographical Origin in Asia: Legal and Policy Issues to Resolve*, in INTELLECTUAL PROPERTY AND SUSTAINABLE DEVELOPMENT: DEVELOPMENT AGENDAS IN A CHANGING WORLD , 273 (Ricardo Meléndez-Ortiz & Pedro Roffe eds., 2011); Szirmai, Naudé, and Goedhuys, *supra* note 8 at 1.1; Suparna Karmakar, *Protecting Indigenous Knowledge through Geographical Indications: A Case Study of the Textile Industry in India*, in INTELLECTUAL PROPERTY FOR ECONOMIC DEVELOPMENT , 120 (Sanghoon Ahn, Bronwyn Hall, & Keun Lee eds., Edward Elgar Publishing Limited ed. 2014); Fabio Montobbio & Valerio Sterzi, *International Patenting and Knowledge Flows in Latin America*, in INTELLECTUAL PROPERTY FOR ECONOMIC DEVELOPMENT , 213 (Sanghoon Ahn, Bronwyn Hall, & Keun Lee eds., 1st ed. 2014); Jorge Cabrera, *Innovation and Public Research in Central American Countries*, in INTELLECTUAL PROPERTY AND SUSTAINABLE DEVELOPMENT: DEVELOPMENT AGENDAS IN A CHANGING WORLD , 341 (Ricardo Meléndez Ortiz ed., Edward Elgar Publishing Limited, The International Center for Trade and Sustainable Development ed. 2009), <https://www.e-elgar.com/shop/gbp/intellectual-property-and-sustainable-development-9781849802772.html>; Richard Mendelson & Zachary Wood, *Geographical Indications in the United States: Developing a Preliminary List of Qualifying Product Names*, ORIGIN PAPER, 10–41 (2013), [https://www.origin-gi.com/images/stories/PDFs/English/papers/Geographical\\_Indications\\_in\\_the\\_United\\_States\\_-\\_Supporting\\_Memo\\_FINAL\\_WEB.pdf](https://www.origin-gi.com/images/stories/PDFs/English/papers/Geographical_Indications_in_the_United_States_-_Supporting_Memo_FINAL_WEB.pdf); CARLOS PRIMO BRAGA, FINK CARTEN & CLAUDIA PAZ SEPÚLVEDA, INTELLECTUAL PROPERTY RIGHTS AND ECONOMIC DEVELOPMENT 40 (The International Bank for Reconstruction, The World Bank ed. 2000), [https://www.researchgate.net/publication/5077786\\_Intellectual\\_Property\\_Rights\\_and\\_Economic\\_Development](https://www.researchgate.net/publication/5077786_Intellectual_Property_Rights_and_Economic_Development).

<sup>18</sup> EDWIN IRIZARRY MORA ET AL., ENSAYOS PARA UNA NUEVA ECONOMÍA: DESARROLLO ECONÓMICO DE PUERTO RICO 63–66, 99–101, 113–163 (Ricardo Ramírez Fuentes ed., El Callejón, 2 ed. 2017); SUSAN M. COLLINS, BARRY

### III. DATA COLLECTION, TECHNIQUES, AND LIMITATIONS

Law books, newspaper articles, law journals, and congressional hearings from reputable sources from the United States, Puerto Rico, Hawaii, Europe, Colombia, Jamaica, and Mexico were read, noted, classified, and analyzed by significant themes using ATLAS.TI and Zotero (qualitative analysis software). Thirty people interviewed captured different perspectives of the agricultural industry. Previous professional connections with interviewees facilitated information collection. Most literature reflects periods of DelPaís Law in effect: from 2002-to 2016, and interviews shed light on recent events. Last, a compilation of cases beyond the mentioned help derive the Five Factors as the most frequently found in GI policies. Literature may not cover other factors, nor do these intend to be a guarantee that a GI policy will be a success. Due to the selected literature review, the study only contemplates the Five Factors in a law; however, these can exist in administrative regulations, association bylaws, or non-legal-governmental documents.

The qualitative analysis extends beyond efforts at quantification to include rich data from the people affected by policy decisions. Also, the qualitative method helps evaluate a GI's economic effects since it is challenging to value product-origin-quality characteristics. Some literature uses quantitative techniques, like simulations, environmental indicators, benchmarks,

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P. BOSWORTH & MIGUEL A. SOTO-CLASS, THE ECONOMY OF PUERTO RICO: RESTORING GROWTH 189–254, 319–398, 566–588 (2006), <https://ebookcentral.proquest.com/lib/iub-ebooks/detail.action?docID=3004459>.; EMILIO PANTOJAS GARCÍA, CRÓNICAS DEL COLAPSO: ECONOMÍA, POLÍTICA Y SOCIEDAD DE PUERTO RICO EN EL SIGLO VEINTIUNO 286 (Libros El Navegante Ediciones El Callejón, 3rd ed. 2015); Antonio García-Padilla, *Research, Economic Development, and The Role of the University of Puerto Rico*, 26 PUERTO RICO HEALTH SCIENCES JOURNAL 177, 177 (2007); Antonio García-Padilla, *Researchers and Small-Scale Entrepreneurship*, 5 LAW AND DEVELOPMENT REVIEW 155, 165–166 (2012); Carlos R. Baralt Suárez, *Promoting Knowledge-Based Economy Activities Through Personal Income Tax Incentives*, 80 REVJURUPR 583, 601–602 (2011); David Rivera López, *Jornada Hostos: Algunas Consideraciones Históricas y Actuales de la Agricultura en Puerto Rico*, RED BETANCES: INFORMACIÓN SOBRE PUERTO RICO Y SUS LUCHAS (2012), <http://www.redbetances.com/columnas/51-en-portada/980-david-rivera-lopez.html>; KENNETH RIVERA ROBLES, DIBUJANDO EL CAMINO A LA CIMA DE UN MEJOR PAÍS (Puerto Rico ed. 2019), <https://www.doingbusiness.org/en/data/exploreconomies/puerto-rico>; Carmen Correa Matos, *Legislación Protectora y Promotora de MIPYMES en Puerto Rico (2009-2016)*, 22 FE 23–76, 66–68 (2017); SILVERIO PÉREZ, LA VITRINA ROTA O ¿QUÉ CARAJOS PASÓ AQUÍ? 215–225 (Ediciones Callejón Libros El Navegante, 3rd ed. 2018).

and Likert scale evaluations. However, quantitative methods would not reflect the Economic Impact adjusted to Puerto Rico's reality. Economic data for the DelPaís Law may not be accurate, as newspapers and USDA grant reports may have biases. For instance, statistics capture funding allocated to farmers, but does not show uneven distribution to big businesses or in favor of specific individuals. Thus, qualitative approach helps uncover and explain occurrences clearly.

#### **IV. CONCLUSION**

The introduction presented the problem of the study, a brief profile description of the DelPaís Mark and Law, aims, objective, importance of the research, and laid out a roadmap. Then, methodology described design, theoretical framework, method, data collection, and limitations. To fully understand the concepts covered in this section and lay the foundation for the study itself, it is essential to review the relevant literature, which is carried out in the next chapter.

## LITERATURE REVIEW:

### CHAPTER I GEOGRAPHIC INDICATIONS IN THE UNITED STATES

This chapter introduces geographic indications (GIs) and their use for economic development. It will also differentiate GI tools in the European (Sui Generis) and Trademark (United States) systems. Understanding these international systems will provide a more critical context for evaluating the use of GIs as a tool for economic development.

#### **I. GEOGRAPHICAL INDICATIONS IN THE PUERTO RICO TRADEMARK SYSTEM**

The Agreement Trade-Related Intellectual Property Rights (TRIPS) defines and provides international legal recognition to Geographical Indications as follows:

Indications identifying a good as originating in the territory, region, or locality in that territory, where a good's quality, reputation, or other characteristic is attributable to geographic origin.<sup>19</sup>

The scholarship interpretations main understanding of the definition is that GIs creates a concept known as a product-origin-quality link. The product is heavily tied to the land, history, culture and society of the particular place. The origin or source is usually a geographical place, characteristic, shape, quality, reputation, or human processes in cultural traditions. The quality is derived from the processes used to create the product like using specific local resources or human processes. In turn, the consumer creates an attribution or connection that the product comes from a place that produces unique qualities for that product and the area is recognized for such effort.<sup>20</sup>

There are two relevant legal treatments for GIs: the European Sui Generis or United States

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<sup>19</sup> World Trade Organization, Agreement on Trade-Related Aspects of Intellectual Property, Section 3: Geographical Indications, Article 22 Protection of Geographical Indications; Justin Hughes, *The Spirited Debate Over Geographic Indications*, 20 LAW REVIEW 14, 25 (2003); Irene Calboli, *In Territorio Veritas: Bringing Geographical Coherence in the Definition of Geographical Indications of Origin under TRIPs*, 6 WIPO JOURNAL 57, 62 (2014); Marshall Leaffer, *Appellations of Origin and Geographic Indications in U.S. Law after NAFTA and GATT*, 2 INT'L INTELL. PROP. L. & POL'Y 45-1, 1-3 (1998).

<sup>20</sup> Calboli, *supra* note 19 at 58-59; Irene Calboli, *Geographical Indications of Origin at the Crossroads of Local Development, Consumer Protection and Marketing Strategies*, 46 IIC - INTERNATIONAL REVIEW OF INTELLECTUAL PROPERTY AND COMPETITION LAW 760, 772 (2015); ALLAIRE ET AL., *supra* note 10 at 29-30.

Trademarks. The legal treatment for the DelPaís Mark is the United States Trademarks system, since Puerto Rico is part of the United States. However, Sui Generis treatment applies to Puerto Rico because of its dual civil and common legal system where Puerto Rican, United States, and Spanish laws co-exist, and their courts interpretations influence Puerto Rican court interpretations. Thus, the complex interconnections between the various strategies used to protect products worldwide provide essential insights into the structure of the DelPaís Law.<sup>21</sup>

Recognized under the Sui Generis system as GI is Appellations of origin (AOC), Protected Designation of Origin (PDO), Protected Geographic Indication (PGI), and Indication of Source (IOS). These GI tools protect agricultural, handicraft, and value-added products. The difference between them is the type of goods, production location, and product's characteristic attribution.<sup>22</sup> An AOC and PDO require that a product's supply chain must occur in a particular locality and attribution of characteristics must be tied to raw material and elaboration of that place. The difference here is that AOCs protect non-food products while PDOs protect agricultural products. In contrast, PGIs cover agricultural products which most of their production and elaboration occurs in the area and has characteristics attributed to them irrespective of the raw material's source. Unlike the others, IOS identifies goods directly or indirectly originating from a country, conveying nothing remarkable as to product-origin quality. Thus, IOS are not warranted legal protection.<sup>23</sup>

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<sup>21</sup> Lanham Act, 15 U.S.C. §§ 1051 *et seq*; LEY DE MARCAS DEL GOBIERNO DE PUERTO RICO DEL 2009, 2009 PR LAW 169, 10 LPRA 171 (2009); Marshall Leaffer, *Appellations of Origin and Geographic Indications in U.S. Law after NAFTA and GATT*, 2 INT'L INTELL. PROP. L. & POL'Y 45-1, 2-9 (1998); Ramón Ruiz Nieves, *Hacia Una Reforma Del Derecho De Marcas De Fabrica en Puerto Rico*, 30 REVISTA DE DERECHO PUERTORRIQUEÑO 81, 82-84 (1990); Yanis Rosana Blanco Santiago, *La Protección de las Indicaciones Geográficas en el Comercio Internacional: Recepción y Efectividad en el Ordenamiento Jurídico Puertorriqueño*, 400-429, 2015, <https://eprints.ucm.es/43210/>.

<sup>22</sup> Leaffer, *supra* note 19 at 2-9; Justin Hughes, *Champagne, Feta, and Bourbon: The Spirited Debate About Geographical Indications*, 58 HASTINGS L.J. 299, 300-307 (2006).

<sup>23</sup> Hughes, *supra* note 22 at 300-307; Irene Calboli, *Of Markets, Culture, and Terroir: The Unique Economic and Culture-Related Benefits of Geographical Indications of Origin*, in RESEARCH HANDBOOK ON INTERNATIONAL INTELLECTUAL PROPERTY 433-464, 437-440 (Daniel Gervais ed. 2015), [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2329566](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2329566).

European Sui Generis GIs receive legal protection and recognition in the United States and Puerto Rico thanks to the Madrid and Lisbon Agreement, Paris Convention, and the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS).<sup>24</sup> In theory, Puerto Rican Congress can have GIs in intellectual property laws, with legal recognition only within the island. For a Puerto Rican GI to receive full legal protections and credit in Puerto Rico, the United States must ratify the Madrid and Lisbon Agreement, and the Puerto Rican Government has to create an international register and classification system for GIs.<sup>25</sup> For example, Champagne has full protection and credit worldwide because France has signed all international treaties and thus gained worldwide reciprocity, whereas the DelPaís Mark would only have legal protection in Puerto Rico as a GI but stay as a certification mark in Puerto Rico and United States.

The laws concerning trademarks and affect a GI's legal protection in Puerto Rico are the United States Lanham Act and the Puerto Rican Trademark Act. These co-existing laws express reluctance to protect geographical indications, as allowing one party to monopolize the use of a geographic descriptor in trade could impede competition. Both explicitly carve out collective and certification trademarks as exemptions to show a product's origin. Certification marks are those where the owner certifies a product meets eligibility standards delineated to use the mark. Collective marks signify membership in a cooperative, association, or collaborative organization.<sup>26</sup>

The contrast between marks and GIs are several, for instance, trademark owners cannot discriminate against producers meeting standards or if these have a product covered under membership requirements. Whereas, GI owners can discriminate against producers depending on income, production volume, or other factors, and having a GI does not signify membership or

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<sup>24</sup> Leaffer, *supra* note 19 at 2–9.

<sup>25</sup> Blanco Santiago, *supra* note 21 at 40–433.

<sup>26</sup> Lanham Act, 15 U.S.C. §§ 1052; TMEP 1210; LEY DE MARCAS DEL GOBIERNO DE PUERTO RICO DEL 2009, 2009 PRLAW 169, *supra* note 21.

receiving exclusive benefits.<sup>27</sup> Moreover, trademarks have an optional geographical origin, quality and source recognition component, while in GIs policies these are obligatory. Thus, with marks, using a geographical term to signify source recognition does not equal the product coming from that place.<sup>28</sup> However, a mark can become a GI when it acquires source designation, here a consumer associates a product with specific quality and place because the owner established standards similar to those found in the Five Factors and follows international treaties. Marks and GIs are similar in that they “earn” reputation through the producer’s work for a consumer to regard the product in a certain way. In contrast, GI, that are deemed generic or descriptive, will not have trademark protection in the United States, but will still be legally protected and recognized.<sup>29</sup> For instance, Feta is a generic term outside Greece, however, consumers worldwide still associate the cheese with Greece. Another example would be Swiss Army Knife, a term deemed descriptive and has never enjoyed trademark protection, yet everyone knows its prestige and origin of said knives.

Products under a trademark GI need not be exported to acquire legal recognition as a GI and vice versa. An organization or government can decide to have GIs and trademarks co-exist or interchange depending on the good or service, countries, consumers market, and quality types. However, not all owners selling goods can apply for GI protection; it depends on the good reputation of that place, product, and quality.<sup>30</sup> For instance, certification marks that are also GIs are Idaho Potatoes, Florida Sunshine Trees Symbol, and Vidalia Onions due to specifications. Both American and International consumers recognize the label as a high-quality potato, orange, or onion that only those States offer. In contrast, in cases like Made in the USA, Hecho en Puerto

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<sup>27</sup> GIOVANNUCCI ET AL., *supra* note 10 at 19–37.

<sup>28</sup> Justin Hughes et al., *Panel II: That’s a Fine Chablis You’re Not Drinking: The Proper Place for Geographical Indications in Trademark Law*, 17 FORDHAM INTELL. PROP. MEDIA & ENT. L.J. 933, 940–943 (2007).

<sup>29</sup> Irene Calboli, *Time to Say Local Cheese and Smile at Geographical Indications of Origin? International Trade and Local Development in the United States*, 53 HOUSTON LAW REVIEW 48, 400–408 (2015).

<sup>30</sup> *Id.* at 390–396; GIOVANNUCCI ET AL., *supra* note 10 at 19–37; Mendelson and Wood, *supra* note 17 at 3–8.

Rico, and some GI products that are not exported, the designation will only work in one context and not the other. One designation can act as a trademark in one context and a GI in another. Moreover, trademarks and GIs can co-exist and even replace each other, as the former is needed for the latter to exist. Thus, it is not a problem for the DelPaís Law to create a GI for one market and have the existing mark for another market.<sup>31</sup>

Now that there is a clear understanding of the definition of GIs and their legal treatment, the discussion can move to applying the concepts learned to the case at hand.

At first glance, the DelPaís Mark is a certification mark with a source designation that fits the definition of GIs, as it identifies local agricultural products as originating from Puerto Rico. However, the nuance is in the DelPaís Mark's quality, reputation and attribution. First, the DelPaís Mark has no assurances to the product's quality and reputation other than the farmer's word of mouth. As mentioned, some value-added products bearing the mark do not have ingredients cultivated and harvested in Puerto Rico, as many processors buy raw material from a local business to comply with the stipulated percentage. In contrast, GIs policies feature an extensive and sometimes complex traceability assurance that raw materials are from the area. Second, the DelPaís Mark covers some products have an acquired attribution, reputation and quality due to Puerto Rico's history and culture, while others have none. For instance, coffee, rum, and pork covered in the DelPaís Mark have acquired quality and reputation due to Puerto Rico's history and culture to merit GI legal protection. However, there are other products that have no history or reputation or are earning some through farmers' efforts. In contrast, GI policies cover one product

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<sup>31</sup> Patrick Kole, *Managing Your Brand in Times of Social Change* (2021), <https://events.rdmobile.com/Sessions/Details/1211915>; ROBERT ANGLIN, "BUY LOCAL" FOOD PROGRAMS DECEIVE CONSUMERS AND ARE RARELY ENFORCED, A USA TODAY NETWORK INVESTIGATION FINDS (2018), <https://www.azcentral.com/story/news/local/arizona-investigations/2018/03/13/buy-local-made-food-labels-programs-deceive-consumers-rarely-enforced-usa-today-network-finds/389155002/>; Jason Winfree & Philip Watson, *The Welfare Economics of "Buy Local,"* 99 AMERICAN JOURNAL OF AGRICULTURAL ECONOMICS 971–987, 971–974 (2017).

and its supply chain, which are attributable to the place's history and culture. However, it's important to note that the DelPaís Mark has an overarching attribution to Puerto Rican nationalist discourse, making a subtle protest to the colonial status. Third, the DelPaís Mark has limited consumer recognition due to its inconsistent marketing and logo design. In contrast, GI products have a high consumer recognition within their target markets. Lastly, the Department of Agriculture cannot create a fund specifically for local products as it would limit interstate commerce, however, it can keep a fund to allocate money to all products irrespective of origin. In contrast, a GI has a fund that allocates money specifically to the local products it protects.

With other requirements usually found in GI policies, there are more similarities than differences. For instance, the DelPaís Mark requires businesses to have domiciles and operate in Puerto Rico even though Puerto Rican citizens do not own them. Similarly, GI, require businesses to have a domicile in the geographical area, but do not specify that the owner has to be a resident of the area. Also, GI products exist in both the domestic and international markets, although it's not a requirement to export the product to gain legal protection. Thus, low production volumes for exports do not affect its eligibility for GI protection.

The DelPaís Mark is closer to the TRIPS definition of a GI when compared to other Puerto Rican trademarks. For instance, Hecho en Puerto Rico a composite mark created, owned, and managed by the Association of Products of Puerto Rico which considers eligible products as any manufactured, processed, packaged, and produced with 35% value-added made by businesses with substantial activity in Puerto Rico.<sup>32</sup> Thus, Frito Lay bears the Hecho en Puerto Rico trademark only because PepsiCo has packaging plants in Puerto Rico. In turn, the mark misleads consumers

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<sup>32</sup> LILIANA CUBANO, 110 AÑOS DEL SELLO HECHO EN PUERTO RICO (Puerto Rico ed. 2019), <https://advance.lexis.com/api/permalink/a75e491f-8d2c-4756-bca7-6e3cf2381f66/?context=1000516>; José A Flecha, María De los M. Santos-Corrada & Sandra Mena-Candelaria, *El Efecto de la Autocongruencia en un Sello de Denominación de Origen: El Sello Hecho en Puerto Rico*, 35 ESTUDIOS GERENCIALES 292 (2019).

into thinking products come from Puerto Rico. In turn, Hecho en Puerto Rico cannot be a GI because products qualify irrespective of the supply chain source and product characteristics are not attributable to Puerto Rico. Even if the association fixed such issue, they cannot privately own the geographic term Puerto Rico.<sup>33</sup> Thus, Hecho en Puerto Rico is an example of how source identifies are misapplied as an indication of for membership rather than geographical origin.

Another example are the bills for Denomination Origin for Products of Puerto Rico and Puerto Rican Coffee presented by Puerto Rican Congress. The bills promoted high-quality local products in foreign countries broadened local farmers' access to worldwide markets and provided customers with the greatest quality products.<sup>34</sup> These bills were the only "true attempt at implementing GIs" in Puerto Rico as the laws followed the Lisbon agreement, giving the Agriculture and State Department authority to seek legal protection for its existing trademarks as geographical indications.<sup>35</sup> However, policymakers ignored that the United States is not a member of the Lisbon Agreement, and the Puerto Rican Government cannot subscribe to its requirements when drafting the bills. Even if the Puerto Rican Government had such power, the bills did not comply with having a GI definition, establishing registration procedures, delimiting a code of practice, and proving product-origin-quality links. Thus, the bills were never approved. Even if

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<sup>33</sup> Puerto Rico Supreme Court, *Eneglotaria Medicine Co. v. Sosa López*, 38 DPR 604 (1928); *Ramírez Bages, Cooperativa Cafetaleros v. Colón Colón*, 91 DPR 372 (1964); S.B. 400, PARA ADOPTAR UNA NUEVA LEY PARA REGIR A LA ASOCIACIÓN DE PRODUCTOS DE PUERTO RICO, INC. Y DEROGAR LA LEY NÚM. 50 DE 13 DE MARZO DE 1913 (1913 PRA LAW 50), DISPONER PARA LA APLICACIÓN Y VIGENCIA DE SUS DISPOSICIONES Y PARA OTROS FINES RELACIONADOS, (2013); S.B 671, PARA ADOPTAR UNA NUEVA LEY PARA REGIR A LA ASOCIACIÓN DE PRODUCTOS DE PUERTO RICO INC. Y DEROGAR LA LEY NÚM. 50 DE 13 DE MARZO DE 1913 DISPONER PARA LA APLICACIÓN Y VIGENCIA DE SUS DISPOSICIONES Y PARA OTROS FINES RELACIONADOS. (REMITED TO REMITIDO A LA COMISIÓN DE REGLAS CALENDARIO Y ASUNTOS INTERNOS DEL SENADO), (2014).

<sup>34</sup> S.B 952 PARA CREAR LA "LEY DE DENOMINACIÓN DE ORIGEN DE PUERTO RICO" A LOS FINES DE: MANTENER LA ALTA CALIDAD Y BUEN NOMBRE DE LOS BIENES Y PRODUCTOS FABRICADOS Y CULTIVADOS EN EL PAÍS, FACULTAR AL SECRETARIO DE ESTADO A CREAR REGLAMENTO DE LA DENOMINACIÓN, FACULTAR AGENCIAS PARA LA INSPECCIÓN DE LOS PRODUCTOS BAJO LA DENOMINACIÓN, (2014); S.B. 951 PARA CREAR LA "LEY DE DENOMINACIÓN DE ORIGEN DEL CAFÉ PUERTORRIQUEÑO " 2015 PR LAR 232 A LOS FINES DE ASEGURAR EL PRESTIGIO Y LA EXPORTACIÓN DEL CAFÉ PUERTORRIQUEÑO Y POSICIONAR A LA INDUSTRIA DEL CAFÉ COMO MOTOR DE CRECIMIENTO ECONÓMICO, (2015).

<sup>35</sup> Blanco Santiago, *supra* note 21 at 446–459.

approved, these bills merely create the concept of the denomination of origin with no guidelines. Meaning the bills would be like Hecho en Puerto Rico, misleading the consumer into with products not coming from Puerto Rico because the absence of guarantees and enforcement.<sup>36</sup>

In contrast, the DelPaís Law is at least one step ahead of the bills since it has content similar to the Five Factors like raw material percentage, covers agricultural and food products, users of the mark are primarily local small-medium businesses, and some products follow a set of regulations. Also, suggested recommendations allow amendments to the DelPaís Law to comply with TRIPS to have at least some partial recognition because these integrate GI definition, registration procedures, code of practice, and product-origin-quality links. The DelPaís Mark and Law have no restriction in integrating requirements stipulated in unratified treaties, even though there would be no recognition until the United States ratifies treaties. Meaning the Law can integrate unratified treaty requirements to make the GI and mark stronger within limitations.<sup>37</sup> In sum, the DelPaís Mark fits awkwardly into the TRIPS definition of a GI.

## II. REASONS TO IMPLEMENT GEOGRAPHICAL INDICATIONS IN PUERTO RICO

Akerlof's information asymmetry, the theory that the producer has more information about a product than the consumer, comes into play with a GI. These convey a producer's exclusive knowledge about intangible characteristics like reputation, authenticity, quality, traceability, and food safety.<sup>38</sup> For instance, GIs reduce information asymmetry between producer and consumer as it helps the producer convey reliable, transparent, and traceable data, giving the consumer more buying power confidence. Consumer confidence in the GI label improves and stabilizes product demand. Visual perceptions, brand loyalty, and social responsibility form consumer buying

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<sup>36</sup> *Id.*

<sup>37</sup> Irene Calboli, *Interview About Geographical Indications in Puerto Rico, International law and general dissertation tips*, (Feb 24, 2021).

<sup>38</sup> Menapace and Moschini, *supra* note 8 at 539–542.

preferences towards businesses. When seeing the source-identifying labels, consumers create an association between the product, origin, and experience; a high-quality experience increases consumers' willingness to pay.<sup>39</sup> Also, a producer applies Shapiro's firm reputation model, a theory where a producer's return on investment in quality increases their product's reputation. A producer must build a reputation through labels and advertising. In turn, GIs have a circular function, where a consumer's decision-making process creates and maintains a producer's commercialization potential. Thus, producers increase profits by conveying that a product is sourced from a geographical area with an exclusive consumption experience.<sup>40</sup>

Together, Akerlof's and Shapiro's theories form a lens through which the main advantage of GI and see how these fit Schumpeter's innovation theory can be seen more clearly. To exemplify, Puerto Rican scholarship regarding using GIs for agricultural economic development support the concept that creating source identifiers for differentiated foods in niche markets could help food insecurity, revive the agricultural sector, change consumer behavior, and create economic growth.<sup>41</sup> Specifically that GIs provide access to sustainable development, niche markets, environment, labor, public health, human rights, and product quality. Also, these scholars mention GIs provide several benefits, like increased commercialization, production, employment, and profits due to amplified product interest.<sup>42</sup> As a result a GI can be successful, like Café de Colombia which contributes 17% to the agricultural industry and is the third-largest coffee-producing country globally.

Other scholars add that stakeholders in the product supply chain benefit from the GI, as

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<sup>39</sup> MENAPACE ET AL., *supra* note 9 at 4–20; Moschini, Menapace, and Pick, *supra* note 9 at 800–805.

<sup>40</sup> Menapace, *supra* note 9 at 3–4, 26–27.

<sup>41</sup> E MASCARENAS, LAS DENOMINACIONES DE ORIGEN EN EL DERECHO COMPARADO Y EN EL DERECHO INTERNACIONAL 110–114 (Editorial Cultura ed. 1960); Errázuriz Tortorelli, *supra* note 11 at 211–219.

<sup>42</sup> Blanco Santiago, *supra* note 21 at 400–450; Carmen Alamo González, *Indicaciones Geográficas y la Diferenciación del Café por País de Origen*, AGROTEMAS DE PUERTO RICO: DE AHORA, 2016, at 16–17.

these have to follow uniform production standards to maintain a product's quality.<sup>43</sup> Moreover, GIs protect traditional knowledge and conserve biological, environmental, and ecological resources necessary to produce specific sensory characteristics in products by controlling the production scale. Furthermore, GIs diversify products in complementary industries and safeguard different income streams. Finally, GIs create a robust supply chain, improving cooperation among stakeholders and the Government, thus facilitating market access.<sup>44</sup>

While literature supports the advantages, some counterarguments express the opposite view about GIs.<sup>45</sup> For instance, GIs might spur economic development in Europe and the United States because this community is comfortable using GIs for economic growth. Still, Developing communities are exceptions to Schumpeter's theory that innovation leads to economic development because there is little innovation for any significant impact. Even if there is innovation, developing communities operate in environments that lack the solid infrastructure to support intellectual property regulations.<sup>46</sup> For example, Puerto Rico has not fully benefited from an economic boost despite being part of the United States because local intellectual property laws hinder small and medium businesses (SMEs). Puerto Rican SMEs produce low incomes, have

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<sup>43</sup> Calboli, *supra* note 23 at 14; Hughes et al., *supra* note 28 at 953–954; Cerkia Bramley & Estelle Bienabet, *Developments And Considerations Around Geographical Indications In The Developing World*, 2 QUEEN MARY J. INTELL. PROP. 14, 110–114 (2012).

<sup>44</sup> Calboli, *supra* note 23 at 14; Hughes et al., *supra* note 28 at 953–954; Bramley and Bienabet, *supra* note 43 at 110–114.

<sup>45</sup> Hughes, *supra* note 19 at 373–386; Justin Hughes, *The Limited Promise of Geographical Indications for Farmers in Developing Countries*, in GEOGRAPHICAL INDICATIONS AT THE CROSSROADS OF TRADE DEVELOPMENT AND CULTURE 61, 66–67 (Irene Calboli & Ng-Loy Wee Loon eds., Cambridge University Press ed. 2017), <https://www.cambridge.org/core/books/geographical-indications-at-the-crossroads-of-trade-development-and-culture/limited-promise-of-geographical-indications-for-farmers-in-developing-countries/FE10D62FD06C1F602C95996AF9596887/core-reader>.

<sup>46</sup> Irene Calboli & Delphine Marie-Vivien, *One Size Does Not Fit All: The Roles of the State and the Private Sector in the Governing Framework of Geographical Indications*, in THE CAMBRIDGE HANDBOOK OF PUBLIC-PRIVATE PARTNERSHIPS, INTELLECTUAL PROPERTY GOVERNANCE, AND SUSTAINABLE DEVELOPMENT 308–330, 311–313 & 324 (Margaret Chon, Pedro Roffe, & Ahmed Abdel-Latif eds., Cambridge University Press ed. 2018), [https://www.cambridge.org/core/product/identifier/9781316809587%23CN-bp-14/type/book\\_part](https://www.cambridge.org/core/product/identifier/9781316809587%23CN-bp-14/type/book_part) (last visited Aug 12, 2020).

limited personnel, have restricted access to financial and technical resources, and have limited skills, thus many consider intellectual property too expensive, complex, and burdensome.<sup>47</sup>

However, agriculture in Puerto Rico is seen as unimportant, so it is not surprising that intellectual property in this industry is extremely limited. For perspective, in Puerto Rico, agriculture in 2019 was 1% GDP, 2% labor population, and DelPaís Mark's 96 users contributed \$3 million.<sup>48</sup> Some important historical contexts justifying why Puerto Rican agriculture is on the sidelines is that most governmental economic development plans do not discuss agriculture and instead focus on manufacturing, labor, poverty, businesses, and education.<sup>49</sup> When economic plans discuss agriculture, these disagree on solutions for agriculture as some consider the agricultural industry unsustainable versus others capable of becoming self-sufficient. Instances where plans come into agreement, the government tends not to put plans into action. For instance, many agricultural plans predicted the impacts of Hurricane Maria's catastrophe, where there was no food because ports shut down and local food destroyed; however, the government ignored predictions.<sup>50</sup>

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<sup>47</sup> Oreste Montalto, *¿Propiedad Intelectual es Igual a Desarrollo Económico?*, 36 PASAJES: PROPIEDAD INTELLECTUAL UN DEBATE CRUCIAL 29, 29–31 (2011); Michael Steven & John Pearce, *The Need for Innovation as a Rationale for Government Involvement in Entrepreneurship*, 21 ENTREPRENEURSHIP & REGIONAL DEVELOPMENT 285, 294–295 (2009); Katia Raquel Avilés-Vázquez, *Farming And Resistance: Survival Strategies Of Smallholder Farmers In Puerto Rico*, 2014, (Published PhD Department of Geography and the Environment University of Texas), <http://hdl.handle.net/2152/34046>; Moisés Figueroa & Alexandra Reiya, *Entrevistas al Lcdo. Eugenio Torres Oyola*, <https://open.spotify.com/episode/1SLRuTIVtRQy3nZv7QAhab>.

<sup>48</sup> USDA, CENSUS OF AGRICULTURE: PUERTO RICO ISLAND AND REGIONAL DATA (2017), [https://www.nass.usda.gov/Publications/AgCensus/2017/Full\\_Report/Outlying\\_Areas/Puerto\\_Rico/prv1.pdf](https://www.nass.usda.gov/Publications/AgCensus/2017/Full_Report/Outlying_Areas/Puerto_Rico/prv1.pdf).

<sup>49</sup> JUNTA DE PLANIFICACIÓN, INFORME ECONÓMICO AL GOBERNADOR 2018 63 (2018), <http://jp.pr.gov/Portals/0/Economia/Informes%20Econ%C3%B3micos%20al%20Gobernador/Informe%20Econ%C3%B3mico%20al%20Gobernador%202018.pdf?ver=2019-05-24-135431-237>; COMITÉ INTERAGENCIAL DE LA ESTRATEGIA DE PUERTO RICO, ESTUDIOS, INFORMES Y DOCUMENTOS SOBRE EL DESARROLLO ECONÓMICO DE PUERTO RICO PERIODO 1975-2006 66 (Editorial Universitaria Universidad de Puerto Rico 1976 ed. 2006), <http://136.145.11.55:85/ipac20/ipac.jsp?uri=full=3100001~!1630316~!0&profile=sl--3>; HÉCTOR MORALES VARGAS & ALEJANDRO DÍAZ MARRERO, INFORME ECONÓMICO AL GOBERNADOR 2008 55 (2008), [http://gis.jp.pr.gov/Externo\\_Econ/Informes%20Econ%C3%B3micos%20al%20Gobernador/Informe%20Econ%C3%B3mico%20al%20Gobernador%202008.pdf](http://gis.jp.pr.gov/Externo_Econ/Informes%20Econ%C3%B3micos%20al%20Gobernador/Informe%20Econ%C3%B3mico%20al%20Gobernador%202008.pdf); LUIS GARCIA PELATTI, INFORME ECONÓMICO AL GOBERNADOR 50 (2013),

<http://jp.pr.gov/Portals/0/Economia/Informes%20Econ%C3%B3micos%20al%20Gobernador/Informe%20Econ%C3%B3mico%20al%20Gobernador%202013.pdf?ver=2014-12-30-073341-480>.

<sup>50</sup> DR. MYRNA COMAS PAGÁN, PONENCIA INFORME DE TRANSICIÓN 2016: DEPARTAMENTO DE AGRICULTURA 23–25,

Other scholars argue that other legal tools achieve the same effects as GIs, such as preventing consumer confusion, misappropriation, and unfair competition.<sup>51</sup> For example, the Idaho Potatoes certification mark contributes to a third of the potatoes in the United States, a \$4 billion Economic Impact, and 30,000 jobs. In contrast, USDA “Buy local programs,” which funds the DelPaís Mark and many other certification marks, totaled \$11.8 billion (USA), 3% of all agricultural sales in 2017.<sup>52</sup> Also, some scholars argue policymakers do not use GIs for economic development because these are poor indicators for quantifying value and impact. Moreover, if implemented incorrectly, these will not guarantee consumers associate the label and create the necessary “product-origin-quality” attribution.<sup>53</sup> For instance, consumers might be unaware of the meaning of the GI label, GI products, or even the GI existence. Moreover, even if consumers were aware, they still might be unwilling to pay a price premium. In contrast, trademarks have a higher likelihood for consumer awareness, brand loyalty and willingness to pay a premium.

Some scholars favoring other source identifiers state that since the DelPaís Mark products are not extensively exported, the mark cannot be a GI.<sup>54</sup> However, the TRIPS definition of a GI does not refer to the requirement of exports of GI products to earn GI legal protection. Moreover,

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[https://drive.google.com/file/d/1IEjJqEhofDfA8FTjK7Kk15YMW-\\_Y-vQW/view](https://drive.google.com/file/d/1IEjJqEhofDfA8FTjK7Kk15YMW-_Y-vQW/view); NATHAN KOENIG, A COMPREHENSIVE AGRICULTURAL PROGRAM FOR PUERTO RICO 77–78 (1953), <https://play.google.com/store/books/details?id=d59Pxc2q1zkC&hl=en>; Werner Baer, *Puerto Rico: An Evaluation of a Successful Development Program*, 73 THE QUARTERLY JOURNAL OF ECONOMICS 645, 73 (1959).

<sup>51</sup> Hughes, *supra* note 45 at 68–70; Hughes, *supra* note 19 at 25–30.

<sup>52</sup> IDAHO POTATO, *Idaho Potato Commission's Potato Harvest*, (2015), <https://idahopotato.com/uploads/media/IPC-PotatoHarvest-Infographic.pdf>; USDA, *supra* note 48.

<sup>53</sup> Audrey Aubard, *Setting Up a GI: Requirements and Difficulties at the Producer Level*, in EXTENDING THE PROTECTION OF GEOGRAPHICAL INDICATIONS : CASE STUDIES OF AGRICULTURAL PRODUCTS IN AFRICA 35, 37 (Michael Blakeney et al. eds., Taylor&Francis Group, ProQuest Ebook Central ed. 2011), <http://ebookcentral.proquest.com/lib/iub-ebooks/detail.action?docID=113538>; CERKIA BRAMLEY, ESTELLE BIÉNABE & JOHANN KIRSTEN, THE ECONOMICS OF GEOGRAPHICAL INDICATIONS: TOWARDS A CONCEPTUAL FRAMEWORK FOR GEOGRAPHICAL INDICATION RESEARCH IN DEVELOPING COUNTRIES 130 (2009), [https://www.wipo.int/edocs/pubdocs/en/wipo\\_pub\\_1012-chapter4.pdf](https://www.wipo.int/edocs/pubdocs/en/wipo_pub_1012-chapter4.pdf).

<sup>54</sup> Leaffer, *supra* note 19 at 2–9; Dev Gangjee, *TRIPS today*, in RELOCATING THE LAW OF GEOGRAPHICAL INDICATIONS 183–264, 213–223 (Dev Gangjee ed., Cambridge University Press ed. 2012), <https://www.cambridge.org/core/books/relocating-the-law-of-geographical-indications/trips-today/44EEDA58AA5705EBB4598067AB9487DB>.

Scholars favoring GIs over marks state that GIs add obligatory requirements like enforcement and monitoring those marks generally have as optional.<sup>55</sup> Marks like Buy Local Programs are mainly seen as “feel-good” marketing with no “methods nor means to enforce.” In turn, enforcement turns out to be non-regulatory, where government gives its word to consumers with nothing to back it up.<sup>56</sup> However, certification, collective marks, and other source identifiers can benefit from the Five-Factor analysis process for providing a certain quality to consumers and creating source recognition. Scholars state that marks and GIs can co-exist, marks tackle domestic market issues like lack of marketing, support, and production, while the GI tackles international market issues like limited exposure and inconsistency in the availability of products.<sup>57</sup>

In sum, GIs are not perfect, nor are certification trademarks. Considering Puerto Rico’s agricultural situation, both can help solve over-dependence on imports and revive people’s interest in local agriculture. To reach a feasible implementation, the Five Factors are essential for the success of both policies since the DelPaís Mark intends to tackle both markets.

### III. CONCLUSION

This chapter defined GIs, legal systems, and their use for economic development. The next chapter discusses Colombia’s, Hawaii’s, Jamaica’s, and Mexico’s implementation of GI policies. Finally, the case studies help derive the Five Factors predominating GI policies.

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<sup>55</sup> Leaffer, *supra* note 19 at 2–9; Gangjee, *supra* note 54 at 213–223; Dev Gangjee, *Quibbling Siblings: Conflicts between Trademarks and Geographical Indications*, 82 CHICAGO-KENT LAW REVIEW, 3–28 (2007), [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1000467](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1000467).

<sup>56</sup> Winfree and Watson, *supra* note 31 at 971–974; ANGLIN, *supra* note 31; FRANKFURT KURNIT KLEIN & SELZ PC, WHERE’S THE BEEF? DOES “PRODUCT OF THE USA” MEAN THAT THE CATTLE WAS RAISED IN THE USA? (2020), <https://www.lexology.com/library/detail.aspx?g=7275dd8b-75c1-4398-84b0-be387289e511#:~:text=It's%20clear%20that%20imported%20beef,Wrong.&text=According%20to%20FSIS%20rules%2C%20%22Product,prepared%20in%20the%20United%20States.>

<sup>57</sup> Menapace and Moschini, *supra* note 8 at 539–542.

## **CHAPTER II THE FIVE FACTORS OF GEOGRAPHIC INDICATIONS**

The previous chapter discussed the different GI tools. This chapter examines the Five Factors of GI policies: Product Description, Collective Organization, Marketing, Legal-Institutional, and Economic Impact. These Five Factors can be used for GIs, trademarks, and other source indicators to identify issues and propose solutions. The Five Factors can be implemented in regulations, association bylaws, or other non-legal, non-governmental documents.

This dissertation considers four case studies: Café de Colombia, Hawaiian Kona coffee, Tequila de Mexico, and Jamaican Blue Mountain Coffee. Federation Nacional de Cafetaleros (FEDCAFÉ) is the world's leading organization in the coffee industry and manages Café de Colombia with an award-winning marketing strategy. Hawaii's Kona GI protects pure and blended Hawaiian Kona and has a grading system that sets the standards for coffee classification in the United States. In contrast, Jamaica Blue Mountain Coffee GI cannot provide farmers with the resources necessary for economic survival because the Government funds more lucrative industries. Tequila de Mexico GI fails because large United States companies dictate product specifications, making the product lose unique qualities. Each GI system policy has many moving parts connecting and interacting with each other. Last, the chapter lists takeaways for issues and recommendations in Chapters III and IV.

### **I. THE FIVE FACTORS FOR GEOGRAPHICAL INDICATION POLICIES**

Connections between legal, policy, and sociological factors unite Governmental actions with people's current needs. Thus, policymakers' assessments of GI policies must go beyond economic matters to consider sociological circumstances, such as politics, society, and culture. These are essential to prevent lowering standards and ensuring a representative supply chain that follows a balanced set of rules. A well-formulated GI policy turns intangible characteristics established by

sociological circumstances into quantifiable profit-making assets delivering income to rural communities often forgotten and underrepresented in developing countries.<sup>58</sup>

Literature recommends various elements to achieve a balance between rules and sociological circumstances.<sup>59</sup> The elements from the table are organized into Five Factors according to their interrelations and themes. Elements in Table 5: Relevant GI Policy Elements (see appendix) do not guarantee a successful GI policy formulation and implementation; however, these are the best and most common practices found in GI laws. Each has its nuances on how they interact in the GI system. For instance, processes, practices, product, geographical area, link, and name, heavily interrelated and category concerning a “product definition.” Product definition is understood as a protected product’s description of its unique differentiating qualities and process-making.

Furthermore, GI system definition and supply chain stakeholders are under a Collective Organization, intended to represent a product supply chain. A Collective Organization helps establish a GI system’s product definition because members are farmers that manage the product and have the data to identify resources and qualification standards. However, consumers and other supply chain actors, like processors and distributors, can influence the product definition. “Legal-

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<sup>58</sup> FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS, IDENTIFICATION OF ORIGIN-LINKED PRODUCTS AND THEIR POTENTIAL FOR DEVELOPMENT: A METHODOLOGY FOR PARTICIPATORY INVENTORIES 38–40 (Food and Agriculture Organization of the United Nations ed. 2012), <https://hdl.handle.net/10568/24828>; Hristos Vakoufaris et al., *Protected Geographical Indications and the landscape: towards a conceptual framework*, CONFERENCE: PAPER PREPARED FOR THE 15TH COUNCIL OF EUROPE MEETING OF THE WORKSHOPS FOR THE IMPLEMENTATION OF THE EUROPEAN LANDSCAPE CONVENTION ‘SUSTAINABLE LANDSCAPES AND ECONOMY: ON THE INESTIMABLE NATURAL AND HUMAN VALUE OF THE LANDSCAPE’ AT: URGUP, NEVŞEHİR, TURKEY, 4–5 (2014), <http://rgdoi.net/10.13140/2.1.4473.7282> (last visited Aug 12, 2020).

<sup>59</sup> ALLAIRE ET AL., *supra* note 10 at 1–10; FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS, *supra* note 58 at 38–40; GIOVANNI BELLETTI ET AL., SPECIFIC TARGETED RESEARCH OR INNOVATION PROJECT: 8.1 POLICY-ORIENTED RESEARCH (SSP): GI STRATEGIES AND POLICY RECOMMENDATIONS. D12 – GI STRATEGIES AND POLICY RECOMMENDATIONS 145–150 (2008), <https://prodinra.inra.fr/record/40742>; BELLETTI GIOVANNI & MARESCOTTI ANDREA, D12 – WP7 REPORT GI STRATEGIES AND POLICY RECOMMENDATIONS 145–150 (2005), <https://hal.inrae.fr/hal-02821770/document>; Sertaç Dokuzlu et al., *Food and Agricultural Product Pilot Selection for Geographical Indication Projects*, 19 NEW MEDIT, 105, 117 (2020), <https://newmedit.iamb.it/2020/09/24/food-and-agricultural-product-pilot-selection-for-geographical-indication-projects/> (last visited Jan 18, 2021); Marguerite Paus, *Collective Agro-Food Initiatives and Sustainable Rural Development: Articulation between Internal Governance and Rural governance illustrated by geographic indications from Switzerland and Serbia*, ETH ZURICH 1 Band, 45–46 (2010).

Institutional” groups the elements of “protection” and those in product definition. The Legal-Institutional aspect compels community participation in law-making to ensure that this community has accessible legal protections for their product definition. The Legal-Institutional structure also helps the organization with the GI system sustainability by providing financial and technical aid. The organization and Legal-Institutional structure regulate the GI system through public and private policies to prevent unfair competition and preserve traditional knowledge and reputation. Thus, the governing bodies that determine product definition, marketing, certification, and regulations in a code of practice are a Collective Organization (i.e., a not-for-profit) and/or a Legal-Institutional structure (i.e., a governmental agency).

Marketing and elements previously grouped in product definition are under “marketing,” advertising the protected product in domestic and international target markets. However, even though GIs policies are a collective nature, this does not mean these have collective marketing tactics, GI policies are a hybrid where consumers recognize a product but also recognize producers. For example, consumers recognize Champagne but also recognize Moët as one of the best producers because Moët marketing is successful in creating the distinction. The collectivity in GI policies comes from produces following the same set of rules.

Lastly, “Economic Impact” is the positive financial contribution and cultural preservation of all the elements in the community. Reasonable steps toward a positive Economic Impact are having a well-defined product definition, a supportive Legal-Institutional structure, and a representative Collective Organization. Thus, the efforts to formulate the Five Factors factor into the overall innovation of a GI policy that contribute to economic growth.

***A. PRODUCT DEFINITION: CLEAR DIFFERENTIATION WITH PRODUCT-ORIGIN-QUALITY LINK***

The first Five Factors are Product Definition, which protects the product-origin-quality link

composed of product specifications, qualification standards, and geographical areas. Product specifications often comprise elements like product type and cultivation processes. Qualification standards refer to production methods and scientific proof that the characteristics only occur in that area. A geographical location comprises environmental conditions to cultivate the product. The Government and Collective Organization provide financial-technical assistance so farmers can have product specifications, qualifications and delimit a geographical area.

### **1) Product Specifications**

A Collective Organization or Government managing the GI product goes through three steps to determine the product that merits legal protection. These are identifying resources, choosing product quantities, and deciding product specifications. Identifying resources provides scientific and cultural evidence for the product-quality-origin link and for developing a consumer perception of relationship. After identifying resources, the organization or government determines if can produce in enough volume to keep up with consumer demands. Then, the organization or government can decide which specifications will the product contain.<sup>60</sup> Some notable characteristics include physical, chemical, or biological factors like altitude, flora, fauna, flavor, ingredients, raw materials, cultivation, and other authentic features. Documenting each traceability step, registered members, practices, plot maps, and legal documents in a Code of Practice helps establish a product definition with all these components.<sup>61</sup>

Café de Colombia illustrates a clear-cut example of a well-executed product definition. Café de Colombia product definition guidelines specify that the preferred bean is green and

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<sup>60</sup> Giovanni Belletti, Alessandro Brazzini & Andrea Marescotti, *Collective Rules and the Use of Protected Geographical Indications by Firms*, 1 INTERNATIONAL AGRICULTURAL POLICY 7, 12–14 (2014); Calboli, *supra* note 23 at 32–33.

<sup>61</sup> EMILIE VANDECANDELAERE ET AL., STRENGTHENING SUSTAINABLE FOOD SYSTEMS THROUGH GEOGRAPHICAL INDICATIONS: AN ANALYSIS OF ECONOMIC IMPACT 64–65 (Food and Agriculture Organization of the United Nations: International Information System for The Agricultural Science and Technology ed. 2018), <http://www.fao.org/3/a-i8737en.pdf>.

“Arabica” variety. Café de Colombia also details processing how the coffee should taste; it should be “a sweet drink with medium-high acidity.” The geographical area “spans 22 areas in the Andes, 921,000 hectares, 588 municipalities, 90 coffee producers, 500,000 growers, and 13,000 farms.”<sup>62</sup> Last, it describes the specific location: “400-2,500 meters altitude in the Andes and an 18-22°C.” In contrast, Jamaica Blue Mountain Coffee has permitted crossbreeds off-the-books because of hurricanes, earthquakes, droughts, and floods that have rendered coffee almost non-existent. The effect is that there is no way to differentiate Blue Mountain from non-Blue Mountain coffees, as there is no uniqueness between them. Low production and genericness question whether Jamaica Blue Mountain merits continuing GI protection.<sup>63</sup>

Product Definitions that are not clear-cut allow pure and blended GI products so farmers can produce enough volume. However, such a decision might clash with other product definition elements like qualification standards. For example, the Hawaiian Kona Coffee GI policy presents a derives result in protecting blends and pure products. Hawaiian Kona coffee has a grading hierarchy, establishing different processing and practices for each grade.<sup>64</sup> Thus, grading balances long-established traditions while protecting Kona from becoming generic and allow the industry to survive. In contrast, the Tequila GI dual system has left the product with no discernable taste

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<sup>62</sup> SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO, *Solicitud de Delegación de la Facultad de Autorización de Uso de la Denominación de Origen Café de Colombia*, DIRECCIÓN DE SIGNOS DISTINTIVOS (2009); REGLAMENTO DE USO DE LA INDICACIÓN GEOGRÁFICA CAFÉ DE COLOMBIA, FEDERACIÓN NACIONAL DE CAFÉ DE COLOMBIA, (2009); Federación de Café de Colombia, *Protección del Origen Café de Colombia*, (2012), <https://www.cafedecolombia.com/static/integrador/cartilla.pdf>; Superintendencia de Industria y Comercio, Gobierno de Colombia, & Ministerio de Comercio, Industria y Turismo, *Manual Denominaciones de Origen*, (2013), [https://www.sic.gov.co/sites/default/files/files/Nuestra\\_Entidad/Publicaciones/Cartilla\\_Manual\\_Denominaciones\\_Origen.pdf](https://www.sic.gov.co/sites/default/files/files/Nuestra_Entidad/Publicaciones/Cartilla_Manual_Denominaciones_Origen.pdf).

<sup>63</sup> JAMAICA MINISTRY OF JUSTICE, *Protection of Geographical Indications Act*, (2004), [https://moj.gov.jm/laws/protection-geographical-indications-act-0#:~:text=An%20ACT%20to%20make%20the,incendtal%20thereto%20and%20connected%20matters.](https://moj.gov.jm/laws/protection-geographical-indications-act-0#:~:text=An%20ACT%20to%20make%20the,incendtal%20thereto%20and%20connected%20matters.;); Jamaica Intellectual Property Office, *Protected Geographical Indication: Geographical Indication Manual*, (2015); Cadogan, *supra* note 15 at 287–318.

<sup>64</sup> HAWAII DEPARTMENT OF AGRICULTURE, *Standards for Coffee*, 4 143 (2012), <http://hdoa.hawaii.gov/wp-content/uploads/2012/12/AR-143.pdf>; GIOVANNUCCI ET AL., *supra* note 10 at 177–183.

between Tequila or other Mezcal-based products. Ambiguous qualifications have dangerous consequences as some processors have accidentally added deadly chemicals to Tequila.<sup>65</sup>

In sum, a GI product definition's most crucial element is its specifications, as the product's sensory experience and a consumer's willingness to buy depends on it. For a product definition to have GI legal protection, there must be scientific proof of the product-origin-quality, that the product's characteristics and quality are because of an area. The following section discusses the next element in product definition: how GI policies should plan a geographical location.

## 2) Geographical Area

Product definition also establishes the protected geographical area or the production area that meets consumer expectations for a product representing a place's history, culture, and laws. The creation and consistent maintenance of Geographical areas highly depend on the social construction of culture, tradition, politics, economic rights, and supply chain actors' interests. Like product specifications, good representation in the supply chain ensures that the delimited geographical area is the area consumers associate with the product.<sup>66</sup> Some criteria used to establish a GI territory are the soil's physical traits, water, topography, local area's cultivation practices, reputation or history, and the producer's location. Boundaries like ecological areas, production stage locations, social-economic networks, and zoning laws facilitate delimitation of the area. The interrelation between product specifications and geographical areas ensures uniform quality standards throughout the supply chain. A delimited geographical area in a GI system

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<sup>65</sup> Sarah Bowen, *From the Fields to Your Glass*, in *DIVIDED SPIRITS: TEQUILA, MEZCAL, AND THE POLITICS OF PRODUCTION*, 47–48 (University of California Press, ProQuest Ebook Central ed. 2015), <http://ebookcentral.proquest.com/lib/iub-ebooks/detail.action?docID=2025587>; Sarah Bowen, *Whose Rules Rule?*, in *DIVIDED SPIRITS: TEQUILA, MEZCAL, AND THE POLITICS OF PRODUCTION*, 91 (University of California Press, ProQuest Ebook Central ed. 2015), <http://ebookcentral.proquest.com/lib/iub-ebooks/detail.action?docID=2025587>; Sarah Bowen, *Making Mezcal in the Shadow of the DO*, in *DIVIDED SPIRITS: TEQUILA, MEZCAL, AND THE POLITICS OF PRODUCTION*, 130, 139 (University of California Press, ProQuest Ebook Central ed. 2015), <http://ebookcentral.proquest.com/lib/iub-ebooks/detail.action?docID=2025587>.

<sup>66</sup> Calboli, *supra* note 11 at 26–28; ALLAIRE ET AL., *supra* note 10 at 61–63.

usually includes agro-industry suppliers, growers, and supply chain processes. Distributors, retailers, exporters, and consumers are outside the geographical area but in the supply chain. Governing and inspection bodies are auxiliary entities supporting the supply chain.<sup>67</sup>

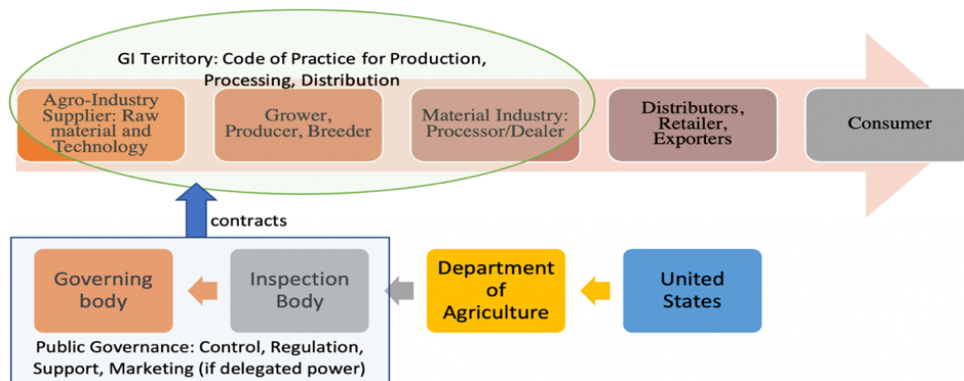


Figure 2: GI Supply Chain.  
(Author created illustration cited source above)

Hawaiian Kona and Jamaica Blue Mountain Coffee are examples of a good geographical area delimitation. Both delimit small geographical areas, volcanic soil, rain, temperatures and altitude necessary to give coffee vibrant, bold flavors that consumers associate with the quality and tastes of the products. For instance, the Kona region is a micro-climate at 500-300 altitude with mineral-rich land, shade, rain showers, light winds, 15 miles long and two miles wide into the hills, with each farm at two to three acres.<sup>68</sup> The Jamaica Blue Mountain Coffee area receives 1300-1500 mm rain, 13-27°C temperatures and has limestone land.<sup>69</sup> In contrast, Tequila GI geographical area is not well defined, as municipalities delimited are not traditionally known for making the product. These do not have the terrain, elevation, and temperatures needed to produce high-quality blue agave. Thus, these affect the taste between Tequilas and other Mezcal.<sup>70</sup>

<sup>67</sup> VANDECANDELAERE ET AL., *supra* note 61 at 21; BRAMLEY, BIÉNABE, AND KIRSTEN, *supra* note 53 at 18 & 25; GIOVANNUCCI ET AL., *supra* note 10 at 89–100.

<sup>68</sup> GIOVANNUCCI ET AL., *supra* note 10 at 177, 185, 189.

<sup>69</sup> *Id.* at 170–177; JAMAICA MINISTRY OF JUSTICE, *supra* note 63.

<sup>70</sup> Sarah Bowen, *The Heart of the Agave*, in *DIVIDED SPIRITS: TEQUILA, MEZCAL, AND THE POLITICS OF PRODUCTION* 93 (University of California Press, ProQuest Ebook Central ed. 2015), <http://ebookcentral.proquest.com/lib/iub-ebooks/detail.action?docID=2025587>; Calboli, *supra* note 11 at 22; Bowen and Zapata, *supra* note 11 at 110, 118.

Product specifications depend on a delimited geographical area to create the product-origin part of the product-origin-quality link needed for product definition. The following section evaluates the quality portion of the product-origin-quality link for product definition.

### 3) Qualification Standards

In establishing a product definition, a Collective Organization or Government needs to determine the product's qualification standards by setting up a code of practice. However, some Governments and Collective Organizations may create a third party certification body to monitor and inspect their activity.<sup>71</sup> A code of practice is an agreement of the supply chain to monitor and inspect themselves and others in compliance of qualification standards. The agreement results in a guaranteed system providing traceability and transparency for raw materials, processing, and final product.<sup>72</sup> In turn, improves cooperation among stakeholders and market access.

Quality standards derive from Shapiro's reputation model, where, if a firm wants a good reputation and increased economic benefits, it must invest in quality.<sup>73</sup> Likewise, if the product supply chain wants in control, the product quality presented in the market, it must follow a uniform production standard in maintain quality. Investing in quality or "adding value" in the product increases profits in the whole supply chain, competitive advantage over similar products, and product awareness. If there is no traceability infrastructure, there is information asymmetry and no way in allocate return on investment in producers. In turn, GI products would then suffer from free-riding, lack of enforcement, transparency, and uniform guidelines.<sup>74</sup>

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<sup>71</sup> Calboli and Marie-Vivien, *supra* note 46 at 310–315.

<sup>72</sup> ALLAIRE ET AL., *supra* note 10 at 19; Gilles Allaire, François Casabianca & Erik Thevenod-Mottet, *Geographical Origin: A Complex Feature of Agro-Food Products*, in LABELS OF ORIGIN FOR FOOD: LOCAL DEVELOPMENT, GLOBAL RECOGNITION, 71 (Elizabeth Barham & Bertil Sylander eds., Wallingford, Oxfordshire ; Cambridge, MA; CABI ProQuest Ebook Central ed. 2011), <https://www.cabi.org/cabebooks/ebook/20113165522>.

<sup>73</sup> MENAPACE ET AL., *supra* note 9 at 1–3.

<sup>74</sup> BRAMLEY, BIÉNABE, AND KIRSTEN, *supra* note 53 at 110–114; GIOVANNUCCI ET AL., *supra* note 10 at 13 & 21–23.

The Hawaiian Kona grading system is an example of a well-defined quality standard as it sets the bar for how the United States (including territories) grade coffee. The Hawaiian Agricultural Department regulates standards, calibration, inspection, and testing for the grades in Kona coffee. The Hawaiian Agricultural Department bases grades on defects detected by weight, size, fermentation, and decay. The grades are Peaberry, Extra Fancy, Fancy, No.1, Select Prime, No.3, No. 2 and Off-Grade.<sup>75</sup> Each grade has product definitions, geographical areas, requirements, and marketing plans. For example, Prime has green beans, Extra Fancy brown, and Specialty a mix. Cultivation for the first is at mid-range altitude, whereas the second is slightly higher up and the last a little lower in the mountains. Supermarkets sell Prime, hotels sell Extra Fancy, and airports sell Specialty.<sup>76</sup>

The Hawaiian Kona coffee seal is voluntary, but since training is required, not having the seal implies non-compliance. Farmers with the Hawaiian Kona coffee seal have many benefits and resources to stay compliant, such as awards, grants, subsidies, and exclusive events. The legal system prohibits sale, purchase, and transportation of counterfeit Kona coffee, often found in decaffeinated, flavored, and “styled” coffees.<sup>77</sup> Hawaii’s Agriculture Department lax enforcement has led to the use of the word Kona in apparel, accessories, food, candies, chocolate, liquor, souvenirs and coffee infused products jeopardizing Kona farmers.<sup>78</sup> However, the grading system is the best structure for making it easy for the supply chain to follow the code of practice.

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<sup>75</sup> HAWAII DEPARTMENT OF AGRICULTURE, *supra* note 64.

<sup>76</sup> A John Woodill et al., *The Economics of Coffee Production in Hawai‘i*, EL-25 ECONOMIC ISSUES 9, 2 (2014); J C Ripperton, Y Baron Goto & R K Pahau, *Coffee Cultural Practices in the Kona District of Hawaii*, 75 HAWAII AGRICULTURAL EXPERIMENT STATION BULLETIN, 6 (1935), [http://www.survivorlibrary.com/library/coffee\\_cultural\\_practices\\_in\\_the\\_kona\\_district\\_of\\_hawaii\\_1935.pdf](http://www.survivorlibrary.com/library/coffee_cultural_practices_in_the_kona_district_of_hawaii_1935.pdf).

<sup>77</sup> STUART T NAKAMOTO, JOHN M HALLORAN, & HAWAII DEPARTMENT OF AGRICULTURE, FINAL REPORT: MARKETS AND MARKETING ISSUES OF THE KONA COFFEE INDUSTRY 3 (HITAHR, College of Tropical Agriculture and Human Resources, University of Hawaii, ed. 1989), <https://www.ctahr.hawaii.edu/oc/freepubs/pdf/ITS-034.pdf>.

<sup>78</sup> Woodill et al., *supra* note 76 at 2; NAKAMOTO, HALLORAN, AND HAWAII DEPARTMENT OF AGRICULTURE, *supra* note 77 at 3; Anibal Prof. Ruiz Lugo, *Delegación de Puerto Rico viaja a Hawaii*, 52, 12; Ripperton, Goto, and Pahau, *supra* note 76 at 6.

Qualification standards like the grading system in Hawaiian Kona are challenging because these require an initial and continuing agreement among many stakeholders. For instance, the supply chain may impose too many requirements and thus be impossible to follow. Jamaica Blue Mountain Coffee is an example of when Government regulation positions small producers at a disadvantage because there are too many requirements to ensure the distinct smooth, barely bitter, clean, mild, and vibrant taste is acquired and sustained.<sup>79</sup> Jamaica Blue Mountain Coffee has an onerous requirement to produce 6,000 coffee boxes per farmer at 27kg (59.5lb) per box. Additionally, farmers pay \$1,475 in licensing fees as it is illegal for farmers to process coffee without a license from the Government.<sup>80</sup> Literature does not justify the high fees or production quota but discusses the effects of such requirements: farmers breaking the law to make ends meet in an unsustainable industry.<sup>81</sup> Farmer's state conditions are impossible since they barely produce 4.4kg or 45 boxes per farmer per year. Even if farmers complied, the Government did not offer help or benefits.<sup>82</sup> In sum, after Champagne, quality standards are one of the strictest in the world.

Another undesired effect is when big businesses have the power to loosen the product-origin-quality link. Thus, qualification standards conflict with product definition and geographical area, and there is a weaker argument for GI system legal protection. An example is the Tequila GI, where big businesses have entirely taken over in setting quality standards. It is impossible to

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<sup>79</sup> Marsha Simone Cadogan, *Geographical Indications and Development in the Third World: Towards a Strategic Approach of Intellectual Property Rights in Jamaica - The Case of Blue Mountain Coffee*, 296 & 316, 2016, <http://digitalcommons.osgoode.yorku.ca/phd/29>.

<sup>80</sup> GIOVANNUCCI ET AL., *supra* note 10 at 170–177.

<sup>81</sup> Hughes, *supra* note 11 at 82–83; Zack Guido et al., *Shocks and Cherries: The Production of Vulnerability Among Smallholder Coffee Farmers in Jamaica*, 132 *WORLD DEVELOPMENT* 104979, 10 (2020); Zack Guido et al., *The Stresses and Dynamics of Smallholder Coffee Systems in Jamaica's Blue Mountains: A Case For The Potential Role of Climate Services*, 147 *CLIMATIC CHANGE* 253–266, 254–256 (2018); June Francis & Randolph-Dalton Hyman, *The Impact of Geographical Indications on the Economic, Cultural, Social, and Environmental Pillars of Sustainability: The Case of Jamaican Blue Mountain Coffee*, 8 *THE INTERNATIONAL JOURNAL OF SUSTAINABILITY IN ECONOMIC, SOCIAL, AND CULTURAL CONTEXT* 1–13, 8 (2013); Birthwright, *supra* note 15 at 48; Cadogan, *supra* note 15 at 216–296.

<sup>82</sup> Cadogan, *supra* note 15 at 216–316.

determine a characteristic taste for Tequila since the Government wants to make Tequila more appealing to the public rather than preserving authentic traditional flavors. There is no control over the raw materials used and processing practices, which means consumers are offered no guarantees on the product's quality. The Tequila GI's qualification standards are so loose that there were in 1,045 different Tequilas by 2018, increasing to 2,345 by 2019. Moreover, the primary producers are not even from Mexico; they are from the United States, Britain, or France. However, Tequila is costly to produce as materials to make Tequila can be \$25-35 per bottle. There is no assistance for producers; thus, many do not last long in the industry. Policymaker revisions to the Tequila GI have eliminated "small and independent farmers from the supply chain altogether" to reduce the number of companies closing operations; but at the expense of losing Tequila's unique qualities.<sup>83</sup>

Lastly, GIs policies do not require a raw material percentage but require products with traditional raw materials and ingredients. GI laws such as Café de Colombia are an exception, specifying 100% raw materials sourced from the area. Irrespective of a percentage, GI systems guarantee products contain a raw materials log and lab tests so certification body can classify and label them to prevent self-serving behaviors. In contrast, Buy Local Food Programs do not specify percentages nor source, although some are a hybrid requiring 51% or more raw material. However, these do not prevent supply chain actors from buying raw material sourced from outside the area to produce higher volumes.<sup>84</sup>

In turn, there should be a balance between production volume, product specifications, geographical area, and qualification standards, so the product definition established in the code of

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<sup>83</sup> Bowen, *supra* note 65 at 56–57 & 76; Mario Fernández-Zarza, Santiago Amaya-Corchuelo & Encarnación Aguilar Criado, *Institutional Density and Public Policies in Two Cases of Geographical Indications From Mexico and Spain*, 19 JOURNAL OF AGRARIAN CHANGE 361–379, 367–369 (2019); Delphine Vitrolles, *When geographical indication conflicts with food heritage protection*, 8 OPEN EDITION JOURNALS 1, 10 (2011).

<sup>84</sup> Calboli, *supra* note 11 at 22–30; Hughes, *supra* note 45 at 67.

practice is an appropriate product-origin link that merits GI legal protection. The agreement of supply chain members (code of practice) determines the product definition. A Collective Organization one a way to establish the code of practice structure, as discussed in the next section.

### ***B. COLLECTIVE ORGANIZATION: PRODUCERS WITH A SOUND STRUCTURE***

The Collective Organization is the second of the Five Factors and requires producers in the GI system supply chain to form a sound structure with interdisciplinary coordination. A Collective Organization with a proper structure has a guaranteed system, control plan, criteria, and methods in its code of practice to maintain transparency and accountability. A code of practice facilitates the organization's fair participation and distribution, which allow for transparency, accountability, sharing benefits and costs, increased bargaining power, stricter enforcement, and facilitating economies of scale. The code of practice also holds the roles, activities, and services the organization may provide, such as registration, maintenance, monitoring, conflict resolution, marketing strategies, and coordination across the supply chain. Defining and organizing internal control points and managing the guaranteed system is the most crucial duty of the Collective Organization. The Code of Practice becomes a control plan for the Collective Organization coordinating the critical inspection points in the supply chain.<sup>85</sup>

GIs depend highly on a collaborative nature, especially for smaller stakeholders, to gain bargaining power over larger businesses. Therefore, a successful organization should include “all GIs producers, supply chain actors, Government, associations and other institutions linked to the GI product.” Thus, GIs, in theory, may be considered a collective good under the gaze of Ostrom's Theory where collective goods require collective action for the sustainability of the good and the

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<sup>85</sup> Delphine Marie-Vivien et al., *Controversies around geographical indications: Are democracy and representativeness the solution?*, 121 BRITISH FOOD JOURNAL 2995–3010, 3001–3004 (2019); VANDECANDELAERE ET AL., *supra* note 61 at 21–22; ALLAIRE ET AL., *supra* note 10 at 102.

community benefiting from the good.<sup>86</sup>

Lack of representation in the GI system affects quality specifications, practices, market entry, information accessibility, and GI processes. This can occur when stakeholders amend the GI system to accommodate changing environments, technologies, regulations, policies, prices, wages, and consumer preferences.<sup>87</sup> Also, inadequate supply chain representation can mislead consumers about a product's origin, production methods, and quality. Lastly, poorly structured organizations can lead to delimiting large geographical areas or elitist membership. Without the involvement of a representative number of the supply chain, friction amongst members and other groups can affect delineation of standards and provoke disorganization in the GI system. Without an organization, the GI system becomes corrupted with no self-governance or collective action.<sup>88</sup>

Concerning the type of entity, legal scholars prefer not-for-profit private organizations over governmental entities to maximize a GI's Economic Impact, fair returns, uniform protection, and information disclosure among the supply chain. Scholars suggest an interrelation between the Collective Organization governance and the legal-institutional framework.<sup>89</sup> The most used configuration is a GI system combining a Collective Organization regulating the GI product and a legal-institutional supervising compliance of regulations will probably be successful. However, GI fails if there is no collaboration between public and private organizations. Thus, a GI system

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<sup>86</sup> UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT, WHY GEOGRAPHICAL INDICATIONS FOR LEAST DEVELOPED COUNTRIES? 11 (2015), [https://unctad.org/en/PublicationsLibrary/aldc2015d4\\_en.pdf](https://unctad.org/en/PublicationsLibrary/aldc2015d4_en.pdf); Dominique Barjolle, Bertil Syvander & Erik Thévenod-Mottet, *Public Policies and Geographical Indications*, in LABELS OF ORIGIN FOR FOOD: LOCAL DEVELOPMENT, GLOBAL RECOGNITION, 93 (Elizabeth Barham & Bertil Sylander eds., Wallingford, Oxfordshire ; Cambridge, MA; CABI ProQuest Ebook Central ed. 2011), <https://ebookcentral.proquest.com/lib/iub-ebooks/detail.action?docID=740102#>.

<sup>87</sup> Xiomara F. Quiñones-Ruiz et al., *Why early collective action pays off: evidence from setting Protected Geographical Indications*, 32 RENEW. AGRIC. FOOD SYST. 179–192, 180–182 (2017); Dominique Barjolle et al., *The Role of the State for Geographical Indications of Coffee: Case Studies from Colombia and Kenya*, 98 WORLD DEVELOPMENT 105–119, 110–113 (2017); Quiñones-Ruiz et al., *supra* note 8 at 422.

<sup>88</sup> Marie-Vivien et al., *supra* note 85 at 2997; Barjolle, Syvander, and Thévenod-Mottet, *supra* note 86 at 93; UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT, *supra* note 86 at 11.

<sup>89</sup> Marie-Vivien et al., *supra* note 85 at 2997; Barjolle, Syvander, and Thévenod-Mottet, *supra* note 86 at 93; VANDECANDELAERE ET AL., *supra* note 61 at 21–22.

comprises work, negotiation, participation, inspection, transparency, and monitoring between the Government and Collective Organization.<sup>90</sup>

FEDCAFÉ is an example of a good collective organizational structure. FEDCAFÉ has a complex structure covering all the supply chains as it is a “multi-actor nested organization” composed of offices that collect, inspect, certify, research, train, market, distribute, and offer extension services. FEDCAFÉ offers membership benefits, such as housing, generational transfer, social protection, community activities, and environmental protection. Also, FEDCAFÉ has growers, farmers, and exporters help with inspection, certification, market regulation, and recruiting new members. FEDCAFÉ maintains strict qualification standards to guarantee product specifications, geographical area, and link by collecting, inspecting, and evaluating coffee at every supply chain step. FEDCAFÉ has a quasi-public recognition, meaning the Government defers to them to regulate Café de Colombia but supervises the organization to ensure it follows GI policies. The government works with FEDCAFÉ to improve legal protection; one legislates, negotiates, and offers support, the other manages, establishes rules, and ensures compliance.<sup>91</sup>

Collaboration and efficiency amongst the GI supply chain stakeholders can be challenging if members disagree on standards, methods, marketing, production, and raw materials sources. Scholars argue that when the Government is the Collective Organization for the GI system, it leads to agreements that address divided interests. Moreover, If the Government owns GIs, corruption, mismanagement, and lack of support might cause disinterest in registering a GI. The Government might subsidize the industry but distribute funds unevenly or keep it to themselves, leaving farmers

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<sup>90</sup> Hughes, *supra* note 11 at 44–45; Calboli and Marie-Vivien, *supra* note 46 at 317 & 319; Thanasis Kizos et al., *The governance of geographical indications: Experiences of practical implementation of selected case studies in Austria, Italy, Greece and Japan*, 119 BRITISH FOOD JOURNAL 2863, 2874 (2017).

<sup>91</sup> Federación de Café de Colombia, *supra* note 62; Superintendencia de Industria y Comercio, Gobierno de Colombia, and Ministerio de Comercio, Industria y Turismo, *supra* note 62; VANDECANDELAERE ET AL., *supra* note 61 at 56–57, 60; GIOVANNUCCI ET AL., *supra* note 10 at 219; Benni and Reviron, *supra* note 11 at 36–37.

to bear costs unmotivated to register and follow the rules.<sup>92</sup>

For example, Hawaii Kona Coffee has no Collective Organization other than the Department of Agriculture determining the code of practice. The consequences are that the Government caters to divided interests to protect Kona instead of just one uniform way to protect Kona. Here, the Hawaiian Department of Agriculture implemented the grading system to cater to “purists” who allege blends deceive consumers with no discernable difference in flavor, damaging Kona’s reputation. Meanwhile, the Department permits labeling blends if it communicates the amount of Kona coffee and presents truthful information to consumers because “blenders” maintain the industry afloat.<sup>93</sup>

Another consequence of having the Government manage the GI product is that farmers have limited resources compared to private not-for-profit organizations. For instance, Jamaica Blue Mountain Coffee is supposed to secure better prices, achieve economies of scale, and get fertilizer at lower prices. However, farmers are not motivated to become the association lacks the funds and resources to hold their end of the deal with these benefits. Also, big businesses can influence policymaking to change product definitions and qualifications. For example, Jose Cuervo, Sauza, Herradura, and Patron rule what the Government dictates about Tequila GI as companies changed laws to change Tequila taste.<sup>94</sup>

The following section discusses the roles of Government and its relationship with the Collective Organization. The Legal-Institutional framework should support supply chain

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<sup>92</sup> Marie-Vivien et al., *supra* note 85 at 2997; Barjolle, Syvander, and Thévenod-Mottet, *supra* note 86 at 93; UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT, *supra* note 86 at 11.

<sup>93</sup> Hughes, *supra* note 11 at 132–133; GIOVANNUCCI ET AL., *supra* note 10 at 177–183; VANDECANDELAERE ET AL., *supra* note 61 at 25; Marvin Feldman, *Economic Effects of Blending Kona Coffee—A Preliminary Analysis*, Resource Decisions KONA COFFEE FARMERS, 3 (2010), <https://www.konacoffeefarmers.org/wp-content/uploads/2012/03/Economic-Efforts-of-Blending-Kona.pdf>; Foscolo, *supra* note 14 at 203–204.

<sup>94</sup> Hughes, *supra* note 11 at 100–104; GIOVANNUCCI ET AL., *supra* note 10 at 99, 184, 192; Bowen, *supra* note 65 at 41; Benni and Reviron, *supra* note 11 at 72; Cadogan, *supra* note 15; Global Coffee Report, *Jamaica’s Shades of Blue*, GLOBAL COFFEE REPORT, <https://gcrmag.com/jamaicas-shades-of-blue/>.

members, providing financial-technical assistance and appropriate legal protection.

### ***C. LEGAL-INSTITUTIONAL FRAMEWORK: SUPPORTIVE GOVERNMENT***

The third of the Five Factors is the Legal-Institutional framework that should support and collaborate toward establishing and managing the GI system's legal protection. As mentioned in the previous policy factor, Collective Organization and Legal-Institutional framework may overlap; still, other times, there are two different entities. Irrespectively, the governing body establishes technical rules for certification and develops relationships within the supply chain. Governing bodies have four goals: prohibit unfair competition, establish GI system rules, train employees, and ensure enforcement.<sup>95</sup> Restricting unfair competition can take shape the only GI system rule in place as the main concern for that the producers of that GI product are to prohibit unfair competition, production outside the territory, the use of the GI in products from outside the region or violate rules inside the territory. The GI system rule is separate, it is often used to prevent a GI becomes generic. Training involves having employees in the governing body knowledgeable about GIs and their enforcement. The last goal, enforcement, comprises maintaining the established GI system rules by motivating the supply chain to follow the rules.<sup>96</sup> FEDCAFÉ is an example of supportive governmental management and appropriate legal protection implementing several protection types catering to the main markets where Café de Colombia sells. These have increased commercial quantities, differentiated products, and producer incentives.<sup>97</sup>

Legal protection alone is insufficient for the GI's success because GIs need marketing, collective action, and a code of practice determining product definition. People get disinterested if

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<sup>95</sup> GIOVANNUCCI ET AL., *supra* note 10 at 90, 95–97; VANDECANDELAERE ET AL., *supra* note 61 at 2, 26–27; UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT, *supra* note 86 at 18 & 53; ALLAIRE ET AL., *supra* note 10 at 161 & 163; Kizos et al., *supra* note 90 at 2872; Bramley and Bienabet, *supra* note 43 at 15 & 27–29.

<sup>96</sup> GIOVANNUCCI ET AL., *supra* note 10 at 90, 95–97; VANDECANDELAERE ET AL., *supra* note 61 at 2, 26–27; UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT, *supra* note 86 at 18 & 53; ALLAIRE ET AL., *supra* note 10 at 161 & 163; Kizos et al., *supra* note 90 at 2872; Bramley and Bienabet, *supra* note 43 at 15 & 27–29.

<sup>97</sup> GIOVANNUCCI ET AL., *supra* note 10 at 197–203.

there are too many rules, little protection, or no benefits. A failed GI is one with no quality standards, and if there are standards, there is no consensus among producers or too loose that everyone can produce the GI product.<sup>98</sup> Some examples of weak governance are found in the Hawaiian Kona Coffee GI system, where producers receive limited funding compared to big United States companies. These big organizations bring more income to the Hawaiian Agricultural Department. Thus, many Kona producers take it into their own hands to prevent cultural appropriation, imports, and blends.<sup>99</sup> Similarly, Jamaica Blue Mountain Coffee does not offer any help to small farmers to deal with “price fluctuations, consumer demand, natural disasters, and access to capital.”<sup>100</sup> Last, big companies have taken over Tequila de Mexico entirely, as regulations cater to their selling needs to consumers who cannot tolerate Tequila’s traditional taste. Small farmers organize cooperatives, create a differentiated, high-value approach, and make contracts with Mezcaleros in the domestic market to promote authentic mezcals and keep traditions. However, these dissolve quickly due to disorganization, lack of education, and corruption.<sup>101</sup>

The Legal-Institutional structure and the Collective Organization must promote the product definition, their collaborative structure, and code of practice in a way that attracts consumers to buy the product and new producers that might want to join the structure. Therefore, the following section will discuss how the supply chain can market the GI system.

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<sup>98</sup> Hughes, *supra* note 11 at 9; GIOVANNUCCI ET AL., *supra* note 10 at 89–92, 184, 189, 190–193; Bowen and Zapata, *supra* note 11 at 110–111.

<sup>99</sup> Hughes, *supra* note 11 at 9; GIOVANNUCCI ET AL., *supra* note 10 at 89–92, 184, 189, 190–193; Bowen and Zapata, *supra* note 11 at 110–111.

<sup>100</sup> Hughes, *supra* note 11 at 9; GIOVANNUCCI ET AL., *supra* note 10 at 89–92, 184, 189, 190–193; Benni and Reviron, *supra* note 11 at 26–38.

<sup>101</sup> GIOVANNUCCI ET AL., *supra* note 10 at 89–92, 184, 189, 190–193; Bowen, *supra* note 65 at 71; Benni and Reviron, *supra* note 11 at 26–38.

#### ***D. MARKETING EFFORTS: DETAILED STRATEGIC PLAN***

Marketing is the fourth of the Five Factors of GI policies. The Legal-Institutional structure or Collective Organization in charge of the GI must delineate a marketing plan to promote the GI product. A marketing plan usually has various steps derived from shared data and forecasts among institutions and members. These steps are circular and dependent on one another to help consumers understand the GI product, its characteristics, and expectations.<sup>102</sup> The first step is to find the target market by determining the perception of product quality and characteristics. Then the organization decides the price by evaluating consumers' willingness to pay and the investment required. Third, producers determine production volume to supply to the target markets. All steps need proper research, funding, and assistance, so producers know how to present the product to the consumer correctly. Without it, producers market to the wrong consumer, and there will be no recognition of the GI. Consumers will not distinguish products or incorrectly associate characteristics with other products, causing idiosyncrasies to go unnoticed. Moreover, marketing is not collective in its entirety, as producers can differentiate themselves within the GI system. Codes of practice regulate these steps to prevent such occurrences. Therefore, marketing depends on efficient management, monitoring and enforcing the code of practice methods to guarantee quality.<sup>103</sup>

FEDCAFÉ is the marketing king of GI systems. These employ an aggressive marketing strategy used to differentiate products, control prices, improve quality and strengthen the brand while preserving the rentability and sustainability of the product. Their unique marketing tactics have existed since 1950, using the slogan “only extraordinary efforts produce an extraordinary coffee,” the “Café de Colombia” mark, and the character “Juan Valdez as a product differentiator

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<sup>102</sup> ALLAIRE ET AL., *supra* note 10 at 110–112; MENAPACE ET AL., *supra* note 9 at 2, 6, 18, 131–132; GIOVANNUCCI ET AL., *supra* note 10 at 91–92.

<sup>103</sup> MENAPACE ET AL., *supra* note 9 at 2, 6, 18, 131–132; Paus, *supra* note 59 at 167.

in the domestic and international markets.” Marketing and other efforts are so successful that Café de Colombia has become the third-largest Arabica coffee producer after Brazil and Vietnam. It sells 38% to North America, 39% to Europe and Asia, 22% to Oceania, and 2% to Latin America.<sup>104</sup>

Similarly, Hawaii’s Kona producers implemented marketing procedures in the United States and Japan and sold coffee to whoever visited their farms. However, each grade has its price, preferences, and market. Kona differs from Café de Colombia because other non-coffee products use the word Kona, making differentiation tactics more challenging. In contrast, Tequila de Mexico advertises to high-income communities at the expense of catering to consumers interested in artisanal products. Last, Jamaica Blue Mountain marketing is so hyper-focused on Japan that the whole industry might collapse if something affects the Japanese market.<sup>105</sup>

The combination of excellent marketing, a detailed product definition, a representative Collective Organization, and a supportive Legal-Institutional structure results in a positive Economic Impact on the GI system supply chain. Also, the supply chain uses the data compiled about Economic Impact to improve, update or change the other Five Factors. The following section discusses the data gathered to measure a GI’s Economic Impact.

#### ***E. ECONOMIC IMPACT: MEASURING THE GIS ECONOMIC IMPACT***

The last Five Factors combine the previous factors to produce economic development within the GI system. First, sustainable development focuses on the effects on a producer’s

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<sup>104</sup> Hughes, *supra* note 11 at 82–83; Federación de Café de Colombia, *supra* note 62; Barjolle, Syvander, and Thévenod-Mottet, *supra* note 86 at 108; VANDECANDELAERE ET AL., *supra* note 61 at 56–57; ALLAIRE ET AL., *supra* note 10 at 109.

<sup>105</sup> Hughes, *supra* note 11 at 9; GIOVANNUCCI ET AL., *supra* note 10 at 99, 184 & 187; KEELER, IWANE, AND MATSUMOTO, *supra* note 14 at 6–7; HAROLD R LINSTROM & JOSEPH T KEELER, MARKET PENETRATION OF INSTANT KONA COFFEE IN HONOLULU, HAWAII 9, 11–12 (1966), <https://core.ac.uk/download/pdf/211322045.pdf>; Sarah Bowen, *Hipsters, Hope, and the Future of Artisanal Mezcal*, in *DIVIDED SPIRITS: TEQUILA, MEZCAL, AND THE POLITICS OF PRODUCTION* 147, 147–148 (University of California Press. ProQuest Ebook Central ed. 2015), <http://ebookcentral.proquest.com/lib/iub-ebooks/detail.action?docID=2025587>.

potential for commercialization when using a GI. Economic effects range from increased profits, innovation, and entrepreneurship for producers. For example, raising awareness through marketing, creating jobs, improving infrastructure, and public relations in rural areas. Second, GIs enable producers to sell directly to restaurants, attracting tourists and creating new opportunities outside the supply chain. The most immediate impact is increased income because of rising prices, more long-term impacts are cost reductions, farmers increasing economic gains, and strengthening coordination in the value chain. Also, small-medium businesses using GIs diversify product offerings and, thus, diversifying income streams. Long-term effects can include accessible market entry and the ability to leverage competitors.<sup>106</sup>

A GI system's greatest failure is if there is an unreliable measuring of Economic Impact. Scholars propose using indicators to measure the economic growth in industry value, individual SME profitability, and overall industry performance. There are three common indicators used: price premium, profitability, and the number of programs related to GI. Price premium measures a consumer's willingness to pay more for a product, including domestic and exported product value. SME profitability is based on products, access to distribution channels, registration of GIs, acquisition of new technologies, receipt of financial-technical assistance, and establishment of marketing plans, business plans, and a code of practice. The number of programs related to GIs range from policies motivating the register of GIs, trade agreements or projects that involve GIs, activities, events, or promotions for consumers or agricultural businesses about GI.<sup>107</sup>

The economic impact of Café de Colombia, Hawaiian Kona, Jamaica Blue Mountain, and Tequila de Mexico, varies as two of them hold much of the GDP and the other two do not, however,

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<sup>106</sup> GIOVANNUCCI ET AL., *supra* note 10 at 27–30, 150, 158, 168, 173, 179, 184, 187, 200; ALLAIRE ET AL., *supra* note 10 at 141.

<sup>107</sup> BRAMLEY, BIÉNABE, AND KIRSTEN, *supra* note 53 at 115–119; VANDECANDELAERE ET AL., *supra* note 61 at 28–31.

GDP is not representative on how the GI encourages economic growth for small-medium businesses. Café de Colombia represents 17% of the agricultural industry, valued at \$2.2 billion, 5,000 jobs, produces 754,376 metric tons (14.1 million bags), and farmers receive up to 400% in returns. Contrasting to the United States, agriculture contributes 5.2%, representing \$1,109 trillion, with corn as the leading crop. Corn amounts to 20% annual world production at 13,016 million bushels, contributes \$53 billion in GDP, and creates 157,325 jobs.<sup>108</sup>

Three places produce coffee in the United States: Hawaii, Puerto Rico, and California. Coffee only represents 1% total U.S. GDP, valued at \$11.4 billion, 2.1 million bags produced, and 19,530 jobs. The Hawaiian coffee industry is at \$50.16 million; industry value is 0.04% of the 1% total world production; California and Puerto Rico produce the remaining 1%. Kona is the most expensive at \$47.90/lb., followed by Puerto Rican coffee at \$20-34/lb. and Californian coffee at \$18/lb. Most of Kona's income comes from other Hawaiian Islands, Mainland United States, Japan, and Canada. Despite limitations, Kona helps supply chain resiliency, controls prices, increases market access, improves export value, and reduces import dependency.<sup>109</sup>

In contrast, Jamaica Blue Mountain Coffee is rarely found and bought, compared to Hawaii and Puerto Rico, due to its high prices and limited quantities. Agriculture in Jamaica accounts for 7% of GDP; 70% relies on coffee and sells 80% to Japan. Blue Mountain Coffee represents 1% of world production at 7,000 metric tons, 8,000 jobs, \$22/box, and farmers keep \$4-6/box.<sup>110</sup>

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<sup>108</sup> FEDERACIÓN NACIONAL DE CAFETEROS DE COLOMBIA, INFORME DE GESTIÓN 2019 17–18, 26–31, 36, 41, 46, 54–55 (2019), <https://cdn.flipsnack.com/widget/v2/widget.html?hash=dpazs597t9>; GIOVANNUCCI ET AL., *supra* note 10 at 179–180.

<sup>109</sup> VANDECANDELAERE ET AL., *supra* note 61 at 55, 60–61, 88–89; Carmen Alamo González, *Análisis de los Costos y Beneficios del Establecimiento y Producción y Mercado del Café en Puerto Rico Usando Presupuestos Modelo*, 2020, (Departamento de Economía Agrícola y Sociología Rural, Estación Experimental Agrícola (EEA), Colegio de Ciencias Agrícolas (CCA), Recinto Universitario de Mayagüez (RUM), Authorized to cite and use by Carmen Alamo, Unpublished Paper).

<sup>110</sup> VANDECANDELAERE ET AL., *supra* note 61 at 87–89; GIOVANNUCCI ET AL., *supra* note 10 at 99, 113, 179–180; Elizabeth Barham, Jim Bingen & Clare Hinrichs, *Geographical Indications in the USA*, in LABELS OF ORIGIN FOR

Last, the Tequila de Mexico industry accounts for 26% of GDP and produces 374 million liters, valued at \$9.41 billion, and 70,000 jobs. “On average, a consumer pays \$20; Tequila sells for \$400 U.S. a bottle or \$100 a shot on the U.S. market.” Compared to the United States’ alcoholic drinks market, Tequila amounts to \$252.82 billion, the second-largest industry at 24% global market, but only responsible for 2% of GDP. Rums of Puerto Rico composes 70% of alcoholic drinks consumed in the United States. Don’t be fooled by the numbers; Tequila de Mexico does not promote rural economic development. Small Tequila producers suffer from insecurity, exposure to chemicals, and labor-intensive practices.<sup>111</sup>

## II. BEST PRACTICES AND THINGS TO AVOID, DOS AND DON’TS

Table 6: Five-Factor Implementation *Dos* and *Don’ts* in the appendix summarizes best practices and those to avoid for the Five Factors that the policymakers should follow when amending with the DelPaís Law.<sup>112</sup> First, best practices for Product Definition are product differentiation, a cooperative system, and a data management system for the Code of Practice. Avoid practices such as constructing vague or confusing definitions and specifications devoid of

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FOOD: LOCAL DEVELOPMENT, GLOBAL RECOGNITION , 128–129 (Elizabeth Barham & Bertil Sylander eds., Wallingford, Oxfordshire ; Cambridge, MA; CABI ProQuest Ebook Central ed. 2011), <https://ebookcentral.proquest.com/lib/iub-ebooks/detail.action?docID=740102#>; UNITED STATES DEPARTMENT OF AGRICULTURE, HAWAII STATE AND COUNTY DATA 1 (2017), [https://www.nass.usda.gov/Publications/AgCensus/2017/Full\\_Report/Volume\\_1,\\_Chapter\\_2\\_County\\_Level/Hawaii/hiv1.pdf](https://www.nass.usda.gov/Publications/AgCensus/2017/Full_Report/Volume_1,_Chapter_2_County_Level/Hawaii/hiv1.pdf); Kent Fleming, Virginia Easton Smith & H.C. Bittenbender, *The Economics of Cacao Production in Kona*, 17 AGRIBUSINESS, 2 (2009), <https://www.ctahr.hawaii.edu/oc/freepubs/pdf/AB-17.pdf>; Mario A. Mighty, *Site Suitability and the Analytic Hierarchy Process: How GIS Analysis can Improve the Competitive Advantage of the Jamaican Coffee Industry*, 58 APPLIED GEOGRAPHY 84–93, 86 (2015).

<sup>111</sup> GIOVANNUCCI ET AL., *supra* note 6 at 184; Calboli, *supra* note 6 at 22; Benni and Reviron, *supra* note 6 at 68 & 71, 75; American Run Report, *How the Rums of Puerto Rico Program Works: An Interview with Director Alexandra Salgado*, AMERICAN RUN REPORT (2019), <https://www.americanrunreport.com/blog/rums-of-puerto-rico>; Abladmin, *America’s Beer, Wine & Spirits Retailers Create 2.03 Million Jobs & \$122.63 Billion in Direct Economic Impact – American Beverage Licensees*, <https://ablusa.org/americas-beer-wine-spirits-retailers-create-2-03-million-jobs-122-63-billion-in-direct-economic-impact/> (last visited Mar 29, 2021); Statista & Jan Conway, *Tequila Statistics and Facts*, (2020), <https://www.statista.com/topics/2060/Tequila/>; Statista, *Alcoholic beverage sales in the U.S., 2019*, STATISTA (2019), <https://www.statista.com/statistics/207936/us-total-alcoholic-beverages-sales-since-1990/> (last visited Mar 29, 2021).

<sup>112</sup> GIOVANNI AND ANDREA, *supra* note 59 at 122–151; ALLAIRE ET AL., *supra* note 10 at 164–165; GIOVANNUCCI ET AL., *supra* note 10 at 90–100.

history and culture. Second, the Collective Organization must have a representative membership rather than one that excludes small and medium businesses. Third, institutional-legal frameworks should have strict monitoring, aid, invest in communities, and have responsive employees. The Government should avoid excluding the community from policymaking or making policies hard to follow and understand. Fourth, marketing must avoid misleading labels or mass-target markets and vague advertisements. Last, the collective organization and government compiles data from all the supply chains for decision-making processes that ensure return on investment.<sup>113</sup>

### **III. CONCLUSION**

This chapter compiles the GI policy Five Factors and examples of the best practices and those to avoid. The next chapter identifies the DelPaís Law and Mark issues based on the Five Factors.

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<sup>113</sup> GIOVANNI AND ANDREA, *supra* note 59 at 122–151; ALLAIRE ET AL., *supra* note 10 at 164–165.

## **RESULTS:**

### **CHAPTER III FIVE-FACTOR ANALYSIS IN THE DELPAÍS LAW**

Chapter I explained GIs and how to use these for economic development. Chapter II discussed the Five Factors for GI policy and how Café de Colombia, Hawaiian Kona coffee, Jamaica Blue Mountain Coffee, and Tequila de Mexico implemented these factors. Next, this chapter focuses on the DelPaís Law creating the certification composite mark *Productos DelPaís de Puerto Rico* (Products of the Country of Puerto Rico or the DelPaís Mark), intending to increase agricultural economic development by distinguishing between local versus imported products.

There are various critical issues for each of the Five Factors in the DelPaís Law. First, the product definition for Puerto Rican food products lacks specific information, like a geographical area. Second, there are too many Collective Organizations for the Department of Agriculture to give all good services. Third, the DelPaís Law Legal-Institutional structure has vague procedures and disorganized financial aid. Fourth, farmers and the Department of Agriculture improperly and inconsistently promote the DelPaís Mark products. Fifth, there is scattered data concerning the DelPaís Mark's Economic Impact on Puerto Rico and its local farmers. Finally, the chapter concludes that the DelPaís Law has good intentions, but the implementation leaves much desired.

#### **I. THE DELPAÍS MARK'S INCONSISTENT AND CONFUSING MARKETING**

The DelPaís Mark's messy marketing confuses consumers and conveys that "Puerto Rico does not know what it is doing." The DelPaís Mark's marketing issues sum up to inconsistency, its collective nature, and that there is an unclear place of origin in the logo.

##### **A. FARMERS AND GOVERNMENTAL INCONSISTENCY IN USING THE DELPAÍS MARK IN LABELS**

As mentioned, the Department of Agriculture created the DelPaís Mark in 2002. However, since then, the Department has changed marketing tactics every four years, ranging from creating

co-existing and sub-brand marks, renaming the mark, and creating a National Mark. All originating from the problem that the Department of Agriculture lacked resources, interest, and coordination. However, none solved the issues they were proposed to solve as changes confuse consumers.

For instance, in 2004, the Department created another certification composite mark called Cosecha y Crianza to co-exist with the DelPaís Mark in the domestic market. The main difference is that Cosecha requires 100% raw materials for value-added instead of 65%. Since Cosecha y Crianza requires a higher raw material, farmers and scholars alike consider it too burdensome for due to the lack of production and therefore there is a small quantity of farmers who use the mark.<sup>114</sup> Moreover, the distinction bears no significant benefits to the consumer, as Cosecha and the DelPaís Mark are practically identical in purpose, and farmers use them interchangeably in product labels.

Other sub-brands to the DelPaís Mark such as “Ruta del Lechón” (Pork Route), and “Ruta del Pescado” (Fish Route) had an incomplete implementation in agro-tourism campaigns and laws. The campaigns intended to encourage Puerto Ricans to tourism within the island as an affordable alternative to international travel. Also, these created special carve-outs for the pork and fish industry so the Department of Agriculture could allocate more funds, prohibit unfair competition, and ensure a product’s origin. Estimated impact on the economy of the pork and fishing communities was \$2.2 million. However, the Department struggled with the sub-brands laws as the content had the same issues as the DelPaís Law: lack of product definitions, geographical areas,

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<sup>114</sup> Saade Maldonado, *supra* note 6; Vivian Carro-Figueroa, *Agricultural Decline and Food Import Dependency in Puerto Rico: A Historical Perspective on the Outcomes of Postwar Farm and Food Policies*, 30 INSTITUTE OF CARIBBEAN STUDIES 77, 101 (2002); ANDREA MARTÍNEZ, DICE ADIÓS EL SECRETARIO DE AGRICULTURA (Puerto Rico ed. 2012), <https://advance.lexis.com/api/permalink/a206df71-a3f1-4f0e-a3b8-005747373b58/?context=1000516>; Jaime Santiago, “Cosecha y Crianza” Marketing Campaign Harvests Interest in Puerto Rico Foods, 39 CARIBBEAN BUSINESS 72 (2011); Jaime Santiago, “Cosecha y Crianza”: A New Approach to Market Local Agricultural Products, 40 CARIBBEAN BUSINESS 18 (2012); Amarilis De Jesús Lorca, *Interview About DelPaís Mark and Law procedures and training*, (2020); Empleada Departamento de Agricultura de Puerto Rico, *Interview About procedural steps, benefits, issues, history and other information of DelPaís Mark and Law*, (Dec 9, 2020).

code of practice, procedures, and statistical data.<sup>115</sup>

A National Mark Marca País “for awareness to foreign consumers of the high-quality local products Puerto Rico can provide” intended to use DelPaís Mark as the Marca País and GI. Estimated Economic Impact for Marca País was approximately \$257.8 million, generating an income of \$18 million for the Tourism Department and \$333 million for participating businesses. However, the Law’s implementation failed after a reorganization in the Tourism Department.<sup>116</sup>

Lastly, most recent proposals to the relating DelPaís Mark are *House Projects 2378* and *1257*. These house projects propose renaming the DelPaís Mark to *Productos de Puerto Rico*, delineate an obligatory duty to create a marketing plan, and revive efforts in using DelPaís Mark as a National Mark.<sup>117</sup> However, the bills do not fix the issues for which they were created. First, a name change will not solve the problem that the Department of Agriculture and FIDA inconsistently uses the DelPaís Mark. An enforcement system for the Department of Agriculture

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<sup>115</sup> H.B. 2152 PARA CREAR LA “LEY DEL LOGO DE PESCADO FRESCO DEL PAÍS”, PARA ESTABLECER UN LOGO IDENTIFICANDO QUE PESCADERÍAS, RESTAURANTES Y DEMÁS LUGARES LA VENTA DE PESCADO FRESCO PARA FOMENTAR EL CONSUMO DEL PESCADO FRESCO LOCAL (REFERRED TO THE COMISIÓN DE AGRICULTURA, RECURSOS NATURALES Y ASUNTOS AMBIENTALES), (2019); Mario Carvajalino-Arevalo, *Agricultural Marketing and Economic Development: An Annotated Bibliography with Special Reference to Latin America*, GRADUATE RESEARCH MASTER’S DEGREE PLAN B PAPERS, 12 (1966), <https://ageconsearch.umn.edu/record/11105>; Yanis Rosana Blanco Santiago, *Interview About geographical indications, international treaties and DelPaís as a GI*, (Oct 13, 2020); Ángel Rodríguez, *Interview About association of pork meat producers, Geographical Indications and Department of Agriculture*, (Feb 24, 2021); José Torres, *Interview About Agricultural Extension Services, collaborations with the Department of Agriculture and the DelPaís Mark*, (2021); Eliacim Caraballo, *Interview About agricultural industry, extension services, Department of Agriculture*, (2021); Alejandro García Padilla, *Interview About Department of Agriculture, Agricultural industry plans, life after governing*, (Feb 18, 2021).

<sup>116</sup> LEY PARA EL DESARROLLO DE UNA MARCA PAÍS, 2013 PR LAW 70, 2013 PR H.B. 4, 16ta Asamblea Legislativa—6ta Sesión Ordinaria AVANCES LEGISLATIVOS DE PUERTO RICO; Ester Burgos Ostolaza, *Puerto Rico, una Marca País Para Competir*, in DAILNET: DEL VERBO AL BIT (Universidad de La Laguna ed. 2017), <https://dialnet.unirioja.es/servlet/articulo?codigo=6072080> (last visited Mar 14, 2020); José Villamil, *La Marca País*, 4 PERSPECTIVAS (2013), <http://www.estudiostecnicos.com/pdf/perspectivas/2013/abril2013.pdf>.

<sup>117</sup> HOUSE OF PUERTO RICO, *Informe Positivo Proyecto de la Camara 1257 2019*, 18va Asamblea Legislativa, 5ta Sesión Ordinaria; LEY PARA LA PROMOCIÓN DE PUERTO RICO COMO DESTINO, 2017 PR LAW 17, 23 LPRA 6982 (2017); DEPARTAMENTO DE AGRICULTURA, *Reglamento para la organización y desarrollo de mercados agrícolas familiares en Puerto Rico*, 8775 P.R. REGS. DA REG. (2016); H.B 1257, “PARA ENMENDAR LEY NÚM. 195-2016, “LEY PARA EL USO DE LA MARCA DELPAÍS”, CON EL FIN DE CREAR UNA NUEVA MARCA DENOMINADA “PRODUCTO DE PUERTO RICO”, 18 VA. ASAMBLEA LEGISLATIVA DE LA CAMARA, 2DA. SESIÓN ORDINARIA (REFERRED BACK TO COMISIÓN DE DESARROLLO ECONÓMICO PLANIFICACIÓN, TELECOMUNICACIONES, ALIANZAS PÚBLICO PRIVADAS Y ENERGÍA), (2017); Victor Parés-Otero, *Memorial con respecto al P.C. 1257*, (2019).

and FIDA offering criteria for uniform trademark use solves DelPaís Mark’s inconsistency issue. Second, posing an obligatory requirement for a marketing plan without stating the contents does not solve inconsistency issues. A law containing a model marketing plan for the Department and FIDA to follow solves this issue. Finally, proposing to use the DelPaís mark as a national mark for all products would make the DelPaís Law lose any potential for becoming a GI. Fixing how the certification mark works and creating a GI helps product-origin-attribution to Puerto Rico.

A consequence of the changes is that products have inconsistent labels and lack of enforcement. Also, there is a lack of governmental trust as to the consistency in benefits received, so farmers use other marks to offer better benefits. One example is the pictures below, taken on the same day of different egg cartons.<sup>118</sup> Thus, a way for the Department of Agriculture to monitor consistent use of the DelPaís Mark is to get farmers, intermediaries, and supermarkets involved in enforcement and re-establish trust.



Figure 3: Egg Distributors.  
(Pictures taken by the author at a supermarket)

### ***B. COLLECTIVE MARKETING TACTICS TO PROMOTE THE DELPAÍS MARK’S PRODUCTS***

Another issue is that the DelPaís Mark is a collective marketing tactic. The reason the DelPaís Mark is a collective marketing tactic is deeply rooted in Puerto Rico’s agricultural history.

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<sup>118</sup> Brand of Holding, Inc., *Brands of Puerto Rico*, BRANDS OF PUERTO RICO SHOP (2020), <https://brandsofpuertorico.com/en/brands/>; Supermax Supermarket, *Supermax Online Search keywords “huevos, del país, pollo to-rico,”* SUPERMAX ONLINE (2020), <https://www.supermaxonline.com/search-results.html?search=del+pa%C3%ADs>; Super Econo supermarket, *Econo Shopper*, SUPER ECONO (2020), <https://www.superecono.com/shopper/>; JOSEPH SPECTOR & TRACY SCHUHMACHER, ATTENTION SHOPPERS: WHAT DO THOSE NEW YORK-MADE LABELS REALLY MEAN? (2018), <https://www.lohud.com/story/news/2018/03/13/new-york-made-labels/32886949/>; ANGLIN, *supra* note 31; Paul M Patterson, *State-Grown Promotion Programs: Fresher, Better?*, 21 CHOICES 7 (2020).

For context, implementing land limitations, food stamp programs, export limitations, and tax exceptions for foreign agricultural businesses cause Puerto Rican consumers to view imported foods as superior to local foods. Also, the government does not create resources nor make existing ones accessible for farmers. In turn, the farmers cannot fulfill demands due to land ownership limitations and do not have resources to acquire skills to develop and maintain a business.<sup>119</sup>

A collective marketing plan such as DelPaís Mark is unsuccessful when consumers have difficulty recognizing local products because labels do not reduce information asymmetry and price premiums deter consumers from buying local products. A plan is even less successful when producers have no expertise or tools to get information about consumers, market, price, distribution, and willingness to pay more for local products. A collective marketing plan cannot adequately address each agricultural sector's consumer, price, and distribution nuances.

Thus, the DelPaís Law should stipulate that each crop has specific marketing plans and encourage registering products under the DelPaís Mark. The government or a private entity can provide pro-bono or low-cost training to farmers on formulating marketing plans or at least draft a model formal in the DelPaís Law for farmers to create a marketing plan.

### ***C. PLACE OF ORIGIN IS NOT OBVIOUS IN THE DEL PAÍS MARK'S LOGO***

In general, GIs do not need an explicit indication of geographical origin in its brand name if the consumer makes the product-quality-origin association. However, in the DelPaís Mark's

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<sup>119</sup> COLLINS, BOSWORTH, AND SOTO-CLASS, *supra* note 18 at 18; IRIZARRY MORA ET AL., *supra* note 18 at 18, 23, 28; AMPARO MORALES DE WALTERS ET AL., ESTUDIOS DE LINGÜÍSTICA HISPÁNICA: HOMENAJE A MARÍA VAQUERO 423 (Universidad de Puerto Rico ed. 1999), <https://dialnet.unirioja.es/servlet/libro?codigo=3010>; Keja Valens, *A Little Puerto Rican Food Culture, I&II in REFLECTIONS ON WEST INDIAN LITERATURE: TALKING ABOUT CULTURE*, 11 (2016), <https://ufdc.ufl.edu/UF00096005/00043>; G. Leighton LaFuze, *The Puerto Rico Food Administration: Its Organization and Papers*, 21 HISPANIC AMERICAN HISTORICAL REVIEW 499–504, 500 (1941); Gabriela Serrano Ocasio, *The Agroecological Movement as a Development Actor in Puerto Rico: A Study on the Role of Short Food Production Chains in the Promotion of Agroecology as an Alternative Model of Local Development*, 2017, (A Thesis submitted to the Faculty of the Graduate School of Arts and Sciences of Georgetown University in partial fulfillment of the requirements for the degree of Master in Arts in Development Management and Policy), <https://ri.unsam.edu.ar/handle/123456789/222>.

case, the logo's prominent part are the words DelPaís and not the product's origin (see Figure 4).<sup>120</sup>



Figure 4: The DelPaís Logo in Products.  
(Newspaper supermarket advertisement)

The lack of visibility of the word Puerto Rico affects source recognition. Moreover, there is a prevalence in consumer confusion which worsens the recognition of product-quality-origin. For instance, most interviewees confused DelPaís and Marca País, as these are phonetically identical in Spanish.<sup>121</sup> As mentioned, *House Project 1257* proposes renaming the DelPaís Mark to *Products of Puerto Rico* to resolve confusion between DelPaís and Marca País.<sup>122</sup> However, such a proposal doesn't solve consumer confusion, as the *Association of Products of Puerto Rico* and *Products of Puerto Rico* have the same wording. Here, farmers might join the association, thinking it's the Department of Agriculture and would lose participants for the DelPaís Mark. Also, "Products of Puerto Rico" would have the same restrictions as Hecho en Puerto Rico, prohibited from a monopoly over the word Puerto Rico.

Some interviewees favored the "Cosecha y Crianza" over the DelPaís Mark and *Products of Puerto Rico* because it has more consumer recognition. Cosecha y Crianza has no propensity

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<sup>120</sup> Rodríguez, *supra* note 115; Alexandra Gregory Crespo, *Interview About agricultural statistics of DelPaís Mark and Law*, (Nov 30, 2020).

<sup>121</sup> Jorge Ochoa, *Interview About DelPaís history, experience, benefits and issues*, (Oct 15, 2020); Rodríguez, *supra* note 115; Gregory Crespo, *supra* note 120; Saade Maldonado, *supra* note 7; Alameda, *supra* note 7; Carmen Alamo, *Interview About Denominations of Origin for Puertorrican Coffee and DelPaís Law*, (Oct 22, 2020); Manuel Cidre, *Interview About Association of Products of Puerto Rico and interactions with DelPaís Law*, (Oct 16, 2020).

<sup>122</sup> H.B 1257, "PARA ENMENDAR LEY NÚM. 195-2016, "LEY PARA EL USO DE LA MARCA DELPAÍS", CON EL FIN DE CREAR UNA NUEVA MARCA DENOMINADA "PRODUCTO DE PUERTO RICO", 18 VA. ASAMBLEA LEGISLATIVA DE LA CAMARA, 2DA. SESIÓN ORDINARIA (REFERED BACK TO COMISIÓN DE DESARROLLO ECONÓMICO PLANIFICACIÓN, TELECOMUNICACIONES, ALIANZAS PÚBLICO PRIVADAS Y ENERGÍA), *supra* note 117.

for confusion with the Association of Products of Puerto Rico, Hecho en Puerto Rico, nor the Law to Create a National Mark.<sup>123</sup> However, this dissertation's recommendations do not favor changing the DelPaís Mark to Cosecha y Crianza as the DelPaís Mark has been used for a longer time and by many more people than Cosecha y Crianza. Last, Cosecha y Crianza's 100% raw material requirement would be too burdensome for farmers to achieve. Thus, the logo should be redesigned for the DelPaís Mark to increase consumer recognition and dissipate confusion.

## **II. PRODUCT DEFINITION: NO SPECIFICATIONS NOR CODES OF PRACTICE IN THE DELPAÍS LAW**

The DelPaís Law eligible products are raw fruits, milk, honey, meat, eggs, fish, ornamental plants, spices, vegetables, starches, and value-added products with 65% or more local raw ingredients.<sup>124</sup> Product definition issues found in the DelPaís Law is that it covers multiple products, there are no products specifications, and no readily ascertainable code of practice. Furthermore, there is no traceability ascertaining that there are local raw materials in value-added products. Last, there are no delimited geographical areas in the Law.

### ***A. MULTIPLE PRODUCTS COVERED UNDER THE DELPAÍS LAW***

The DelPaís Law differs from traditional GIs because consumers attribute various products to various sources rather than a single product-origin-quality link. Covering multiple products dilutes product differentiation, quality standards, and geographical areas. Thus, there is less consumer association of that product belonging to a place and having a particular quality or experience. Like the collective marketing issue, each crop and produce has nuances in description, harvesting, taste, and characteristics. Covering multiple products complicates coordination

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<sup>123</sup> Gregory Crespo, *supra* note 120; Alamo, *supra* note 121; Comas Pagán, *supra* note 7; Ochoa, *supra* note 121; Torres, *supra* note 115; De Jesús Lorca, *supra* note 114; Empleada Departamento de Agricultura de Puerto Rico, *supra* note 114; Saade Maldonado, *supra* note 7; Villamil, *supra* note 7.

<sup>124</sup> LEY PARA EL USO DE LA MARCA THE DELPAÍS, 2016 PR LAW 195, 5 LPRA 4741-4784 (2016), *supra* note 37 at 4762.

because the system includes many supply chains that might not be related, whereas GI system includes related supply chains.<sup>125</sup> For example, if a farmer produces cheese as the GI product, then milk, beef, and manure fertilizer, benefit from the GI because it's the same supply chain. In contrast, if the farmer produces cheese and oranges, benefits do not distribute the same.

Based on this, amendments to the DelPaís Law should center on one product and its supply chain. However, not all products under the DelPaís Mark are part of the agricultural history and culture of Puerto Rico, nor have a reputation or association that consumers make to Puerto Rico. Therefore, it is better to have two co-existing tactics based on the good sold: a certification mark and a GI. This way, the Law is in a middle ground leaving the certification mark for products that do not need nor will benefit from being legally protected as a GI, but also has the GI for products that have a particular reputation, quality, and characteristics.

#### ***B. NO CODE OF PRACTICE INCLUDED IN THE DELPAÍS LAW***

The DelPaís Law does not have a Code of Practice specifying each crop's qualities and specifications. Thus, the producer does not know specific ingredients or raw materials, processes, packaging, quality types, quantities, and other information required to qualify. As a result, supermarket managers state that products do not satisfy consumers' needs.<sup>126</sup> However, some products stand out as their collective organization established bylaws and have presented bills now passed to Law. For instance, "*Illustrated Manual for the Production of Specialty Coffee, From the*

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<sup>125</sup> Katarina Labajova, *Posicionamiento de Productos Agícolas Locales Versus Importados: Un Estudio de Los Consumidores de Carne de Pollo, Huevos y Carne de Cerdo del Municipio de Mayagüez, Puerto Rico*, 2004, (Dissertation for Masters in Science Agricultural Economy Presented at University of Puerto Rico Mayagüez Campus), <https://proxyiub.uits.iu.edu/login?url=https%3A%2F%2Fwww.proquest.com%2Fdissertations-theses%2Fposicionamiento-de-productos-agr%C3%ADcolas-locales%2Fdocview%2F305368704%2Fse-2%3Faccountid%3D11620>; Saade Maldonado, *supra* note 6 at 7–10; GLADYS M GONZÁLEZ & ALEXANDRA GREGORY, ECONOMIC DEVELOPMENT PLAN FOR THE AGRICULTURE SECTOR 62 (2017), <http://jp.gobierno.pr/LinkClick.aspx?fileticket=ywwUp7PPac0%3D&tabid=277&portalid=0&mid=1487>; Saade Maldonado, *supra* note 7.

<sup>126</sup> Denis Felix, *Interview About Supermarket experience with the Puerto Rican Department of Agriculture and DelPaís Mark and Law*, (Dec 1, 2020).

*Seed to the Cup*” and Experimental Station’s “*Conjunto Tecnológico para la Producción*” are leading resources for codes of practices as these detail temperature, ph. levels, topography, crop variety, harvesting, packaging, marketing information, and funding needed for certain crops.<sup>127</sup> The Department of Agriculture does not use the Experimental Station nor the Illustrated Manual in regulation, laws, or training.<sup>128</sup> Farmers would benefit from a code of practice model because it is a way for them to regain the power to regulate the industry and the government can better allocate resources during such a process. Thus, it’s suggested to integrate codes of practices model formats in the DelPaís Law to reduce subjectivity.

### ***C. NO PRODUCT DESCRIPTION INCLUDED IN THE DELPAÍS LAW***

Chapter II mentions that a well-defined Product Description contains soil type, altitude, temperatures, size, taste, color, flora, fauna, harvesting practices, processing, packaging, and other characteristics. In contrast, the DelPaís Law covers multiple products, no single code of practice specifies each crop’s product descriptions and standards. The DelPaís Law lists “vegetables” as qualified products but doesn’t specify species variety and conglomerates products in categories like “Meat,” which includes pork, poultry, and beef. The lack of definitions means that the Department of Agriculture has subjective power to reject an eligible producer or accept an ineligible producer. Such power causes the DelPaís Law to lose product-origin-quality links.<sup>129</sup>

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<sup>127</sup> JOSÉ E. RAMOS LÓPEZ BAIGÉS, CARMEN ALAMO, SALVADOR, KAREN B. BENGOA FERNÁNDEZ, MANUEL CORDERO, DELVIN L. & VÍCTOR L. LUGO Y RAFAEL SEPÚLVEDA, MANUAL GRÁFICO PARA LA PRODUCCIÓN DE CAFÉ DE ALTA CALIDAD DESDE LA SEMILLA HASTA LA TAZA (2017), <https://drive.google.com/drive/folders/1QIi-BrPA-lA55lW5VnygCxdpb0pEEftJ>; Estación Experimental Agrícola Universidad de Puerto Rico de Mayagüez Colegio de Ciencias Agrícolas, *Conjunto Techonológico para la producción de Berenjena*, ESTACIÓN EXPERIMENTAL AGRÍCOLA (2016), <https://www.uprm.edu/eea/publicaciones/>; Luis E. Méndez & Mildred Cortés, *Manual Gráfico para la Producción de Café de Alta Calidad, Desde la Semilla Hasta la Taza*, <https://www.uprm.edu/desdelaeaa/2018/11/05/manual-grafico-para-la-produccion-de-cafe-de-alta-calidad-desde-la-semilla-hasta-la-taza/>.

<sup>128</sup> Torres, *supra* note 115; Comas Pagán, *supra* note 7.

<sup>129</sup> LEY PARA EL USO DE LA MARCA DELPAÍS, 2016 PR LAW 195, *supra* note 2; DEPARTAMENTO DE AGRICULTURA, *supra* note 2; LEY PARA ADOPTAR LA “LEY PARA EL USO DE LA MARCA DELPAÍS”, A LOS FINES DE ELEVAR A RANGO DE LEY LA MARCA “DELPAÍS”, UTILIZADA PARA IDENTIFICAR LOS PRODUCTOS AGRÍCOLAS LOCALES, Y GARANTIZAR

When examining reasons for leaving out Codes of Practice and Product Definitions, there is no explanation found in the Law’s purpose statement, legislative history, assembly diary, regulations, or literature.<sup>130</sup> One argument for missing definitions is that since coffee, pig, honey, and fish have specific laws thus, policymakers intended to include Codes of Practice and Product Definitions in particular laws. However, laws mentioned lack required quality, traceability, and accountability standards. Moreover, other products like fruits, spices, and vegetables have no code of practice nor laws creating a product-quality-origin indication, but regulated to prohibit adulterations, illegal labeling, counterfeits, and ensure product health. Thus, the argument fails.<sup>131</sup>

*Law to Regulate the Agricultural Industry of Puerto Rico* explanatory statement implies that policymakers left farmers’ associations the discretion to control and regulate an agricultural sector by establishing business plans, processing centers, and other agricultural services in this Law.<sup>132</sup> However, this argument fails when the Department of Agriculture’s reorganization took

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QUE SU USO SEA ADECUADO; ESTABLECER LAS OBLIGACIONES DEL DEPARTAMENTO DE AGRICULTURA Y SUS DEPENDENCIAS ADSCRITAS; PROVEER PARA LA ADOPCIÓN DE REGLAMENTACIÓN; Y PARA OTROS FINES RELACIONADOS, 44535 (2016).

<sup>130</sup> LEY PARA EL USO DE LA MARCA DELPAÍS, 2016 PR LAW 195, *supra* note 2; DEPARTAMENTO DE AGRICULTURA, *supra* note 2; LEY PARA ADOPTAR LA “LEY PARA EL USO DE LA MARCA DELPAÍS”, A LOS FINES DE ELEVAR A RANGO DE LEY LA MARCA “DELPAÍS”, UTILIZADA PARA IDENTIFICAR LOS PRODUCTOS AGRÍCOLAS LOCALES, Y GARANTIZAR QUE SU USO SEA ADECUADO; ESTABLECER LAS OBLIGACIONES DEL DEPARTAMENTO DE AGRICULTURA Y SUS DEPENDENCIAS ADSCRITAS; PROVEER PARA LA ADOPCIÓN DE REGLAMENTACIÓN; Y PARA OTROS FINES RELACIONADOS, *supra* note 129.

<sup>131</sup> LEY PARA EL USO DE LA MARCA DELPAÍS; LEY DE DENOMINACIÓN DE ORIGEN DEL CAFÉ PUERTORRIQUEÑO, 10 LPRA 4201–4212 4201–4212 (2015); LEY PARA ADOPTAR LA “LEY PARA EL USO DE LA MARCA DELPAÍS”, A LOS FINES DE ELEVAR A RANGO DE LEY LA MARCA “DELPAÍS”, UTILIZADA PARA IDENTIFICAR LOS PRODUCTOS AGRÍCOLAS LOCALES, Y GARANTIZAR QUE SU USO SEA ADECUADO; ESTABLECER LAS OBLIGACIONES DEL DEPARTAMENTO DE AGRICULTURA Y SUS DEPENDENCIAS ADSCRITAS; PROVEER PARA LA ADOPCIÓN DE REGLAMENTACIÓN; Y PARA OTROS FINES RELACIONADOS, 44535 81 (2016); S.B. 951 “LEY DE DENOMINACIÓN DE ORIGEN DEL CAFÉ PUERTORRIQUEÑO”; S.B. 952 “LEY DE DENOMINACIÓN DE ORIGEN DE PUERTO RICO”; Judith Saade Maldonado, *Productos DelPaís: Rebranding Local Agricultural Products*, 12, 2009, (Sent and Authorized to Cite by Judith Saade Maldonado, Research presented as one of the requirements to obtain the degree of Master in Business Administration Univesity of Puerto Rico Rio Piedras Campus Graduate School of Business Administration, Unpublished, Adm. Empresas – HD9000.5 .S23 2011); MIGUEL DÍAZ, FALTA DE RIGOR EN MEDIDA QUE EXALTA EL LECHÓN ASADO COMO PATRIMONIO NACIONAL (2019), <https://esnoticiapr.com/falta-de-rigor-en-medida-que-exalta-el-lechon-asado-como-patrimonio-nacional/>.

<sup>132</sup> 1996 PR LAW 238, LEY PARA EL ORDENAMIENTO DE LAS INDUSTRIAS AGROPECUARIAS DE PUERTO RICO, 5 LPRA 3051–3061 (1996).

away powers from associations and transferred that power to Family Markets.<sup>133</sup> In addition, interviewees and scholars point associations were “set up for failure” since the government did not offer expertise and resources to organize agricultural sectors when implementing the law.<sup>134</sup>

The last argument would be that the Department of Agriculture does not have enough resources and capacity to coordinate with the University of Puerto Rico’s experimental stations to create product-origin-quality links. The “lack of resources” argument can be supported, considering that laws are incomplete because policymakers did not include studies commissioned by the University of Puerto Rico. On the other hand, interviewees and scholars agree it is not unusual for the Puerto Rican Government to ignore studies.”<sup>135</sup> Thus, there is no excuse for excluding product definitions developed by associations and the University in the DelPaís Law. Instead, these should be included in the code of practice model format.

#### ***D. RAW MATERIAL PERCENTAGE REQUIREMENTS WITH NO TRACEABILITY INFRASTRUCTURE***

In the DelPaís Law, “all products must be cultivated, produced, processed, and packaged in Puerto Rico, and value-added products must contain at least 65% local raw material.” The issue here is lack of criteria for enforcing and monitoring that value-added products to comply with requirements. Consequentially, there are many instances where products mislead consumers to think they are local and fresh. Also, many buy raw materials that are not locally grown from local

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<sup>133</sup> 2015 PR LAW 63, LEY PARA LA ORGANIZACIÓN Y DESARROLLO DE MERCADOS AGRÍCOLAS FAMILIARES EN PUERTO RICO, 5 LPRA 4711–4717; DEPARTAMENTO DE AGRICULTURA, *supra* note 117.

<sup>134</sup> Alameda, *supra* note 7; Alamo, *supra* note 121; Comas Pagán, *supra* note 7; Felix, *supra* note 126; García Padilla, *supra* note 115; Eliezer Molina, *Interview About agricultural industry, DelPaís mark and Department of Agriculture*, (2021); Ochoa, *supra* note 121; Torres, *supra* note 115.

<sup>135</sup> DR. MYRNA COMAS PAGÁN, PLAN DE DESARROLLO RESERVA AGRÍCOLA VALLE LAJAS 1–5 (2016), <https://myrnacomas.com/planes/>; ZULMA MEDINA RIVERA, ESTUDIO SOBRE LAS DESTREZAS Y HABILIDADES DE UN INVESTIGADOR EN LA NUEVA ERA DEL CONOCIMIENTO 44–45 (2009), [https://issuu.com/coleccionpuertorriquena/docs/destrezas\\_y\\_habilidades\\_de\\_un\\_investigador\\_zulma\\_m](https://issuu.com/coleccionpuertorriquena/docs/destrezas_y_habilidades_de_un_investigador_zulma_m); Alameda, *supra* note 7; Lara, *supra* note 7; Martínez, *supra* note 7; Villamil, *supra* note 7; Comas Pagán, *supra* note 7; Gregory Crespo, *supra* note 120.

businesses to comply with the required percentage.<sup>136</sup> However, interviewees agreed raw materials should stay at 65% because most agricultural sectors can achieve such requirements. A lower percentage would harm product-origin-quality links, and a higher rate is too burdensome. Amendments should center on a raw material-resource inventory, a traceability infrastructure, and a grading system to guarantee 65% local raw materials in value-added products.<sup>137</sup>

### ***E. LACK OF DELIMITED GEOGRAPHICAL IN THE DELPAÍS LAW***

As mentioned, it is critical for GI systems to delimit geographical production areas for a product definition. Since GIs cover one product, these often have small geographical regions, such as a city, part of a country, or a community. In contrast, the DelPaís Law does not specify crops' geographical areas, and the Department's maps have not been updated since 2011. Therefore, there is no way to tell if cultivation areas changed due to the environment, if that area is traditionally used for a certain crop, or if farmers are unaccounted for in these maps. However, updated maps can be found with the Experimental Station and USDA as these account for history, environment, land planning, and other necessary information to determine geographical boundaries. Therefore, amendments should include Experimental Station and USDA maps in the DelPaís Law.<sup>138</sup>

## **III. LEGAL AND INSTITUTIONAL: DELPAÍS LAW'S DISORGANIZED, VAGUE, AND UNCLEAR RULES**

There are very unclear procedural rules in the Legal-Institutional structure of the DelPaís

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<sup>136</sup> Labajova, *supra* note 125 at 22–37; Carro-Figueroa, *supra* note 114 at 100–107; Díaz, *supra* note 131; CyberNews, *La Batalla del Pollo con Congelado Versus el Fresco*, NOTICENTRO WAPA TV (2011), [https://www.wapa.tv/noticias/locales/la-batalla-del-pollo--congelado--vs-el--fresco-\\_20110523151358.html](https://www.wapa.tv/noticias/locales/la-batalla-del-pollo--congelado--vs-el--fresco-_20110523151358.html); AURA ALFARO, HUEVO IMPORTADO GOLPEA AL BORICUA (2009), <https://www-proquest-com.proxyiub.uits.iu.edu/docview/466773035/DF5E82B5056D40A3PQ/1?accountid=11620>.

<sup>137</sup> Molina, *supra* note 134; Torres, *supra* note 115; Ochoa, *supra* note 121; Comas Pagán, *supra* note 7; Gregory Crespo, *supra* note 120.

<sup>138</sup> Departamento de Agricultura & FIDA, *Ruta del Lechón*, MAP, <http://rutadellechon.com/mapa-de-la-ruta/>; Departamento de Agricultura, *La Ruta del Pescado*, WEB ARCHIVE (2014), <https://web.archive.org/web/20161026220020/http://larutadelpescado.com/index.php/areacontacto/programa-de-pesca>; ORLANDO HERNÁNDEZ, INFORME DE TRANSICIÓN: PROGRAMA PARA EL FOMENTO, DESARROLLO Y ADMINISTRACION PESQUERA Y ACUÍCOLA (2012), [http://www.transicion.pr.gov/2012/055/Informe%20status%20planes%20unidades%20administrativas/Inf.%20Transicion\\_PESCA.pdf](http://www.transicion.pr.gov/2012/055/Informe%20status%20planes%20unidades%20administrativas/Inf.%20Transicion_PESCA.pdf).

Law. The first issue is that it is unclear which farmers qualify for the use of the DelPaís Mark. Farmers do not know the steps to comply with the DelPaís Law, and if farmers know the requirements, they consider these burdensome to follow. Lack of clarity in procedures and organization stem from the vagueness and subjectivity of the duties delegated to the Department of Agriculture and other Departments concerning the DelPaís Law and Mark.

#### ***A. UNCLEAR REQUIREMENTS FOR WHO QUALIFIES TO USE THE DELPAÍS MARK***

Eligible businesses under the DelPaís Law are “incorporated collective mercantile companies, private corporations, and foreign companies domiciled in Puerto Rico that dedicate operations to land tillage, cultivation and livestock industries, including, but not limited to, aquaculture, beekeeping, and poultry.” These corporations must possess financial capacity, follow sanitary standards, and produce to sell at least one product listed in the Law.<sup>139</sup> In the United States Trademark system, completely excluding foreign companies would infringe the United States Constitution’s Commerce Clause. Similarly, Sui Generis GIs cannot limit foreign companies from becoming members if residency and domicile exist in the GI area. Thus, the issue here is the lack of specificity in joining the GI system, as it should be explicit and objective.

Specific criteria for how agricultural businesses should operate are found in the Bonafede Farmer Certification Law, used for most agricultural incentives. This Law clarifies agrarian companies must be: “incorporated in Puerto Rico, have 15 or more employees, derive 50% or more net income in the agricultural industry, have million-dollar insurance, and a \$20,000 guarantee for at least ten years.”<sup>140</sup> However, neither the DelPaís Law nor Regulation 8649 specify entities must

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<sup>139</sup> LEY DE FLEXIBILIDAD ADMINISTRATIVA Y REGLAMENTARIA PARA EL PEQUEÑO NEGOCIO, 2000 PR LAW 454, 3 LPRA 2251 2 (2000); Ernesto Zayas García, *Ayudas Económicas, Programas y Subsidios Gubernamentales*, in DERECHO AGRARIO PUERTORRIQUEÑO: ASPECTOS LEGALES, REGLAMENTARIOS Y DE CUMPLIMIENTO CON MAYOR IMPORTANCIA PARA LA AGRICULTURA , 41 (Ediciones Situm ed. 2021).

<sup>140</sup> 1997 PR LAW 8, *LEY NUM. 8 DEL 8 DE ABRIL DE 1997 ENMIENDA A LA LEY DE INCENTIVOS CONTRIBUTIVOS AGRICOLAS*, (1197); 2019 PR LAW 60, *LEY NÚM. 60 DE 1 DE JULIO DE 2019 Certificación Agricultor Bonafide*, (2019).

have the Bonafede Farmer Certification because farmers struggle to generate 50% or more income. To put things in perspective, the *2017 Agricultural Census* counted that out of 8,230 farms, 6,800 businesses have 16 employees or more, but only 2,415 produce 50% of more farming income. The consequence here is that the Department of Agriculture takes subjective and arbitrary decisions about who qualifies for the DelPaís Mark. As a result, 10,000 unincorporated agricultural companies may qualify for the DelPaís Mark but cannot fulfill requirements as farmers lack the expertise or resources.<sup>141</sup> In addition, the Department does not provide the proper assistance for businesses to qualify for requirements. Similarly, financial capacity and sanitary standards require business permits, EPA reports, credit scores, Penal records, operation manuals, Treasury certificates, viability studies, financial statements, and five-year business plans. These are documents that farmers cannot readily ascertain as they do not have the skilled personnel or live in areas with no Extension Service available to help them create such documents.<sup>142</sup>

Recommendations should propose scaled per business type to broaden accessibility in requirements for financial capacity, sanitary standards, and eligibility.

#### ***B. UNKNOWN ADMINISTRATIVE PROCEDURES TO BECOME A DELPAÍS MARK'S USER***

Employees state the program has three stages that deal with crops under the DelPaís Mark. Farmers get assistance for safety permits, skill training, sanitary and treasury certificates for the first stage. In the second stage, the farmer design packaging with the DelPaís Mark, receiving another subsidy to cover design costs. Also, they receive orientation concerning building or updating business plans, getting insurance policies, and other securities. The third stage helps the

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<sup>141</sup> USDA, *supra* note 48.

<sup>142</sup> Ernesto Zayas García, *Formas de Hacer Negocios, Estructuras Legales y Permisología*, in DERECHO AGRARIO PUERTORRIQUEÑO: ASPECTOS LEGALES, REGLAMENTARIOS Y DE CUMPLIMIENTO CON MAYOR IMPORTANCIA PARA LA AGRICULTURA , 15 (Ediciones Situm ed. 2021); Marinés Aponte García, *Factores Condicionantes de la Creación de Empresas en Puerto Rico: Un Enfoque Institucional*, 2002, (Tesis Doctoral UNIVERSITAT AUTÒNOMA DE BARCELONA DEPARTAMENT D'ECONOMIA DE L'EMPRESA), <https://www.tdx.cat/handle/10803/3946#page=1>; Serrano Ocasio, *supra* note 119 at 86–87.

farmer enter the market to sell products in supermarkets. This is the most complex and extended stage because of each supermarket's requirements. Supermarkets gather all the information about farmers, but not all do this because of changes or become discouraged by the lengthy process.<sup>143</sup>

An impediment for farmers trying to apply for the DelPaís Mark is that these administrative procedures are not publicly available; the only way to know about these is through the employees. Having unwritten administrative procedures provides no guarantee that all employees follow such rules. Additionally, there is no guarantee that if farmers follow the rules, they will use the DelPaís Mark or reap benefits promised by the Department of Agriculture. Thus, there is a vicious circle where the Department of Agriculture's employees say that farmers do not know about services. Still, if the Department does not build awareness, farmers get discouraged from soliciting services.<sup>144</sup> Therefore, the DelPaís Law should delineate clear and specific procedures, so employees do not deviate or add subjectivity and farmers get a clearer idea of what they're doing.

### ***C. DISORGANIZED AND ONEROUS FINANCIAL SUPPORT FOR THE DELPAÍS MARK'S FARMERS***

Most agricultural incentives offered by the Department of Agriculture require Bonafede farmer certification. As mentioned, the certificate excludes the DelPaís Mark farmers from benefits because of the demanding requirements. Similarly, the Puerto Rican Family Market poses the same issue: limiting farmers' access to opportunities and markets. The Family Market is a market for consumers under Food Nutritional Services, where local farmers sell food to low-income families. Not all DelPaís Mark's Farmers qualify to participate in the Family Market as the requirements for such are onerous.<sup>145</sup>

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<sup>143</sup> De Jesús Lorca, *supra* note 114.

<sup>144</sup> UNIVERSITY OF PUERTO RICO (RÍO PIEDRAS CAMPUS). & AGRICULTURAL EXPERIMENT STATION., *MERCADEO DE PRODUCTOS AGRÍCOLAS EN PUERTO RICO : MEMORIAS DEL FORO TÉCNICO 94–100* (1990); Saade Maldonado, *supra* note 7; De Jesús Lorca, *supra* note 114; Empleado Departamento de Agricultura de Puerto Rico, *supra* note 114.

<sup>145</sup> Alameda, *supra* note 7; Alamo, *supra* note 121; Caraballo, *supra* note 115; Comas Pagán, *supra* note 7; Felix, *supra* note 126; Molina, *supra* note 134; Ochoa, *supra* note 121; Torres, *supra* note 115.

Table 7: Family Markets and Table 8: The DelPaís Mark and Law Compiled Data present data for the DelPaís Mark from 2006 to 2020 and the Family Market from 2013 to 2019. The DelPaís Mark averaged 52 users, starting at 22 users and currently 96. Sales average 2.48 million, generating 2 million in 2006 and almost 5 million to date. Grants averaged 10.7 million, starting at 15 million and decreasing to \$300,000. In contrast, the Family Market averaged 123 farmers, 66 million in sales, and 1.142 billion in grants. Increasing from 34 to 128 users, \$6.7 to 200 million in sales, and \$600 million to 2 billion in grants.

Also, other agricultural tax exemptions, loans, grants, and financial resources require a certain production volume to qualify. This criterion made little sense even before Hurricane Maria, as many SME agricultural businesses could not fulfill the production volumes required. Literature and interviewees reason incentives are structured this way since the Department of Agriculture receives most of its revenues from big corporations.<sup>146</sup>

Lastly, farmers are unaware of incentives, and even if they knew, incentives are not well distributed. Incentives arrive little by little and disorganized, often given to big companies, friends

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<sup>146</sup> CHRISTIAN REEVES, A DETAILED ANALYSIS OF PUERTO RICO'S TAX INCENTIVE PROGRAMS 5 (2017), <https://premieroffshore.com/detailed-analysis-puerto-ricos-tax-incentive-programs/>; SARITZA AULETT PADILLA, PROJECTS TO ENHANCE THE COMPETITIVENESS OF PUERTO RICO SPECIALTY CROPS THROUGH BUY LOCAL PROMOTIONAL ADVERTISING PROGRAM UNDER A BRANDED IDENTITY PROJECT; MARKET ACCESS PLAN FOR LOCAL COFFEE PRODUCERS; BEST PRACTICES CAPACITY-BUILDING FOR LOCAL PRODUCERS; SCHOOL MARKET ACCESS & CAPACITY BUILDING FOR GREEN VEGETABLE PRODUCERS, AND VARIOUS RECOMMENDED SUB-GRANTEE PROJECTS 3, 8, 13, 20, 27, 31, 37, 41 (2017), <https://www.ams.usda.gov/sites/default/files/media/PR13SCBGPFinalReport.pdf>; Ricardo Rivera Amill, *Cambio Climático, ¿Amenaza u Oportunidad? Cómo Afecta el Cambio Climático la Gestión Estratégica en los Pequeños Agro-Negocios*, UNIVERSIDAD DEL ESTE, SANTA ISABEL TESINA SOMETIDA AL PROGRAMA GRADUADO EN ADMINISTRACIÓN DE EMPRESAS PARA OPTAR POR EL GRADO DE MAESTRÍA EN GERENCIA Y LIDERAZGO ESTRATÉGICO, 4 (2012), [https://www.academia.edu/10024470/CAMBIO\\_CLIM%C3%81TICO\\_AMENAZA\\_U\\_OPORTUNIDAD](https://www.academia.edu/10024470/CAMBIO_CLIM%C3%81TICO_AMENAZA_U_OPORTUNIDAD); Colegio de Ciencias Agrícolas del Recinto Universitario Mayagüez, *Equilibrio: Importancia de los Subsidios Agrícolas en el Sector de la Agricultura*, (2018), <https://www.uprm.edu/cms/index.php?a=file&fid=18322>; Departamento de Agricultura, *Nosotros: Autoridad de Tierras, Laboratorio Ecológico, Fondo de Innovación para el Desarrollo Agrícola de Puerto Rico, and Corporación de Seguros Agrícolas*, DEPARTAMENTO DE AGRICULTURA (2020), <https://www.agricultura.pr/nosotros>; Departamento de Agricultura, *Incentivos*, DEPARTAMENTO DE AGRICULTURA DE PUERTO RICO (2020), <https://www.agricultura.pr/post/incentivos-para-el-agricultor>; Marinés Aponte García, *Factores Condicionantes de la Creación de Empresas en Puerto Rico: Un Enfoque Institucional*, 78 & 115, 2002, (Tesis Doctoral UNIVERSITAT AUTÒNOMA DE BARCELONA DEPARTAMENT D'ECONOMIA DE L'EMPRESA), <https://www.tdx.cat/handle/10803/3946#page=1>.

of the political party in charge, or supermarkets that didn't need the subsidy. Many farmers experience a "guessing game or fishing expedition" for incentives because the Department of Agriculture no longer manages subsidies. Many farmers consider the prohibitive costs and long bureaucratic processes with little to nothing in return a waste of time and effort. Thus, it is suggested scaled per business type requirements to broaden incentive accessibility to farmers.<sup>147</sup>

#### ***D. VAGUE DUTIES FOR FIDA AND GOVERNMENTAL INSTITUTIONS IN THE DELPAÍS LAW***

As mentioned, FIDA, a sub-agency to the Department of Agriculture, owns and manages the DelPaís Mark; the agency's responsibilities are to:

Keep the integrity and constant use of the DelPaís Mark by all qualified users, create educational campaigns, activities, and collaborative agreements to promote the DelPaís Mark, form an evaluation committee in charge of evaluating applications to use the DelPaís Mark, sell local products to supermarkets and help increase sales, facilitate local product identification for the consumer, collect, sell, and distribute local produce for greater efficiency, market small and medium-sized enterprises; and provide and implement quality standards that sustain the DelPaís Mark brand image (translation provided).<sup>148</sup>

Currently, FIDA's duties are more broad suggestions than specific obligated duties. The *House Project 2378* gives FIDA's responsibilities more detail, clarity and obligatory characteristics. However, the House Project has not been passed as Law, and it only covers one agency.<sup>149</sup> A guide called the *2016 Plan de Desarrollo de Lajas* details duties for various agencies work indirectly with the DelPaís Mark's users.<sup>150</sup> The DelPaís Law should integrate all agencies and departments involved with the DelPaís Mark programs using the guide to determine duties.

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<sup>147</sup> Rivera Amill, *supra* note 146 at 51; Saade Maldonado, *supra* note 6 at 66; Colegio de Ciencias Agrícolas del Recinto Universitario Mayagüez, *Equilibrio: Importancia de los Subsidios Agrícolas en el Sector de la Agricultura*, 8 (2018), <https://www.uprm.edu/cms/index.php?a=file&fid=18322>; Gregory Crespo, *supra* note 120.

<sup>148</sup> Fondo Integral para el Desarrollo Agrícola, *Ventas A Comercios*, WEB ARCHIVE (2010), <https://web.archive.org/web/20100308201107/http://www.delpaispr.com/ventas.htm>; LEY PARA EL USO DE LA MARCA DELPAÍS, 2016 PR LAW 195, *supra* note 2.

<sup>149</sup> H.B 2378, PARA FACULTAR AL FONDO DE INNOVACIÓN PARA EL DESARROLLO AGRÍCOLA DE PUERTO RICO (FIDA), CORPORACIÓN SUBSIDIARIA DE LA AUTORIDAD DE TIERRAS DE PUERTO RICO, A DESARROLLAR LA MARCA DELPAÍS, PROMOCIONARLA LOCAL, NACIONAL E INTERNACIONALMENTE, 18 VA ASAMBLEA LEGISLATIVA, 7MA. SESIÓN ORDINARIA (APPROVED BY CAMERA JUN 2020), (2020).

<sup>150</sup> COMAS PAGÁN, *supra* note 135 at 1–10.

#### **IV. COLLECTIVE ORGANIZATION: THE DELPAÍS LAW COVERS TOO MANY SUPPLY CHAINS**

The critical issue in the DelPaís Law for a Collective Organization is that too many supply chain stakeholders are diluting the resources of the Department of Agriculture. In addition, there are rivals in the industry that overshadow the DelPaís Mark.

##### ***A. MULTIPLE ORGANIZATIONS WITH DISORGANIZED EFFORTS AMONG FARMERS***

Since the DelPaís Law includes various products, there are many farmers' associations, and there are pros and cons to having multiple associations. There is the potential advantage for creating necessary product-origin-quality links for each product. Also, associations ease bureaucracy when managing registers, enforcement, formulation, and maintained sectors. For instance, the Department of Agriculture and Association of Pig Farmers created "Lechonera Certificada 100% Cerdo de Puerto Rico, Cerdo Rico" to guarantee all pigs are 100% raised, fed, processed, and roasted in Puerto Rico. In turn, it is successful at controlling unfair competition. The Association of Pig Farmers is a perfect example of Ostrom's collective action theory at work, however, it is an exception as the Puerto Rican agriculture lacks collective action.<sup>151</sup>

The DelPaís Law should create an association, but delimit guidelines for structure, operation, membership, benefits, and other logistical matters. The association should focus on actively promoting and encouraging collective action toward a same goal and guidelines will help steer farmers towards that goal.

##### ***B. DOMESTIC AND THE UNITED STATES RIVALS OF THE DELPAÍS MARK'S USERS***

As stated, the government favors United States companies, which many farmers have

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<sup>151</sup> PEDRO SANTIAGO, COOPERATIVA DE PORCICULTORES PRESENTAN SU MARCA; CERDO RICO 100% DE PUERTO RICO (2017), <https://www.informeagricola.com/cooperativa-porcicultores-presentan-marca-cerdo-rico-100-puerto-rico/>; Cidre, *supra* note 121; Rodríguez, *supra* note 115.

alleged to be free-riding imported products as local when they are not.<sup>152</sup> Letting companies do this severely affects a product's quality, eligibility requirements, and raw material used for the DelPaís Mark's products.<sup>153</sup> Also, other marks like Hecho en Puerto Rico have more recognition and benefits than the DelPaís Mark. Even though there might be more competition within Hecho en Puerto Rico, farmers who may qualify for the DelPaís Mark prefer the association over the disorganization of the Department of Agriculture.<sup>154</sup> Here, users can reap membership benefits that the government cannot offer to access niche markets while maintaining a differentiated product.

## V. CURRENT ECONOMIC IMPACT: LIMITED PRODUCTION, STATISTICS, AND IMPACT

The DelPaís Mark's products have a limited Economic Impact because of low production volumes. The DelPaís Mark losses potential in becoming a GI if it doesn't have sustainable production. Farmers cannot improve Economic Impact or decide without statistical data. However, Puerto Rico has a culture of not recording data unless federally mandated.

### A. *INSUFFICIENT QUANTITIES OF PRODUCTS PRODUCED UNDER THE DELPAÍS MARK*

Today "agriculture is practically nonexistent," representing only 1% GDP and 2% labor population; in contrast, the United States has a 5.2% agricultural GDP and 10% labor population. The DelPaís Mark farmers generate \$1-2 million, while Family Marker farmers generate \$300 million a year. Puerto Rican farmers' lack of harvests coordination, land planning, and hurricanes

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<sup>152</sup> Puerto Rico Supreme Court, *Puerto Rico Coffee Roasters LLC v. Pan American Grain Manufacturing, Inc.*, 2015 U.S. Dist. LEXIS 166585 (2015).

<sup>153</sup> CYNTHIA LÓPEZ CABÁN, *COFFEE FARMERS CELEBRATE JUDICIAL ORDER* (2020), [https://www.theweeklyjournal.com/business/coffee-farmers-celebrate-judicial-order/article\\_fd38be30-528d-11ea-8460-fb14882ab86b.html](https://www.theweeklyjournal.com/business/coffee-farmers-celebrate-judicial-order/article_fd38be30-528d-11ea-8460-fb14882ab86b.html); ELIVÁN MARTÍNEZ MERCADO, *LE CAMBIAN EL SABOR A NUESTRO CAFÉ COMERCIAL* (2016), <http://periodismoinvestigativo.com/2016/02/le-cambian-el-sabor-a-nuestro-cafe-comercial/>; PERFECT DAILY GRIND, *LA INDUSTRIA DE CAFÉ DE PUERTO RICO: DESPUÉS DE HURACÁN MARÍA* (2017), <https://www.perfectdailygrind.com/2017/11/la-industria-de-cafe-de-puerto-rico-despues-de-huracan-maria/>.

<sup>154</sup> Mildred Cortés, *Aprendamos sobre el mercadeo agrícola*, <https://www.uprm.edu/desdelaeaa/2018/02/09/aprendamos-sobre-el-mercadeo-agricola/>; Mildred Cortés, *Aprendamos Sobre el Fondo para el Fomento de la Industria de Carne de Res en Puerto Rico*, <https://www.uprm.edu/desdelaeaa/2018/09/05/aprendamos-sobre-el-fondo-para-el-fomento-de-la-industria-de-carne-de-res-en-puerto-rico/>.

make farmers incapable of producing enough quantities for the domestic market. The main reason is that several tools were created throughout Puerto Rican history, such as the production of nuclei, free produce boxes, and private-public agreements that failed because assistance to fulfill demands never arrived and local farmers were pushed out to help bigger agricultural companies.<sup>155</sup>

Puerto Rican agricultural businesses without a cooperative structure cannot compete with big supermarkets and companies in the local market. Farmers are strong supporters of cooperative networks, as it gives them the power to control the industry and become sustainable. By being sustainable, farmers stop heavily depending on the government. Without the domestic market, the government nor farmers can address the international market. Efforts to improve the DelPaís Law are limited to Puerto Rico because there are no sustainable export conditions, like limited quantities, resources, isolated incentives, and undefined markets. This dissertation contemplates export plans for the long term, once the domestic market increased its Economic Impact.<sup>156</sup>

## ***B. LIMITED ECONOMIC IMPACT DATA FOR THE DELPAÍS MARK PRODUCTS***

Alexandra Gregory, Myrna Comas, and other economists state that if farmers had statistical information, the industry could achieve consistent quality products for the domestic market. However, there is limited economic data about the DelPaís Mark and Law. It is hard to identify price, distributions, consumers, producers, land, produce, and other information. Economists point

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<sup>155</sup> Comas Pagán, *supra* note 5; INTERAGENCY STUDY GROUP ON THE PUERTO RICAN ECONOMY, AGRICULTURE, FOOD, AND RURAL LIVING 293–295 (1979), [https://estadisticas.pr/files/BibliotecaVirtual/estadisticas/biblioteca/USDC/USDC\\_ESPRVol2b.pdf](https://estadisticas.pr/files/BibliotecaVirtual/estadisticas/biblioteca/USDC/USDC_ESPRVol2b.pdf); CAROLYN DIMITRI, ANNE EFFLAND & NEILSON CONKLIN, THE 20TH CENTURY TRANSFORMATION OF U.S. AGRICULTURE AND FARM POLICY 1–2 (2005), [https://www.ers.usda.gov/webdocs/publications/44197/13566\\_eib3\\_1\\_.pdf](https://www.ers.usda.gov/webdocs/publications/44197/13566_eib3_1_.pdf); J.R. WISH & K.M. HARRISON, MARKETING: ONE ANSWER TO POVERTY; FOOD MARKETING AND ECONOMIC DEVELOPMENT IN PUERTO RICO, 1950-1965 60 (1969), [https://pdf.usaid.gov/pdf\\_docs/PNAAC253.pdf](https://pdf.usaid.gov/pdf_docs/PNAAC253.pdf); Martin J. Collo, *Capital Imports and Endogenous Productive Capacity: A Proposal for Agrarian Development in Puerto Rico*, 10 JOURNAL OF THIRD WORLD STUDIES 306, 317–320 (1993).

<sup>156</sup> Felix, *supra* note 126; Alameda, *supra* note 7; Comas Pagán, *supra* note 7; Agnes Crespo, *Interview About legal and institutional procedures, issues and other information of DelPaís Mark and Law*, (Oct 20, 2020); Gregory Crespo, *supra* note 120; Lara, *supra* note 7; Martínez, *supra* note 7; Ochoa, *supra* note 121; Ramón Ruiz Nieves, *Interview About legislative considerations, history and process to make DelPaís Law*, (Dec 9, 2020); Cidre, *supra* note 121.

to several reasons for the limited data.<sup>157</sup> First, there is a lack of conscious effort and interest in monitoring quality, price, distribution, and marketing. Second, the reorganization of the Puerto Rican Department of Commerce and the Institute of Statistics created an operations bottleneck, delaying all statistical reports. Third, there are no resources or tools to make Economic Impact reports. Fourth, the government does not record such things unless federally mandated. Fifth, some primary sources do not want to disclose information. Sixth, the lack of statistical data is common in Puerto Rico, even more so for the agricultural industry. Finally, USDA, not the Institute, compiles information about the production, supply chain stakeholders, sales, and farmer profiles. Irrespective of fault, it should be everyone's duty to compile data. The story differs in the Department of Agriculture; employees state that incomplete information stems from supermarkets with incomplete contracts or changed administration.<sup>158</sup> Recommendations encourage the Department of Agriculture to create a database that compiles all data to publish frequent reports. The DelPaís Law should establish a duty to collect, publish, and verify data.

## VI. CONCLUSION

The DelPaís Mark intended to produce economic development but barely has any. The mark reduced information asymmetry to the few who know about the mark. Also, consumers do not understand the label's meaning, so the mark doesn't increase consumers' willingness to buy local products. Producers have limited resources for products because the Department of Agriculture lacks services and information for products. The collective marketing is not the best to build product-quality-origin links among the supply chain actors, government, and associations. Puerto

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<sup>157</sup> Serrano Ocasio, *supra* note 119; García, *supra* note 142; Dahil Colón, *Instituciones Extractivas e Improductivas: el caso de Puerto Rico*, 8 (2019), <https://eprints.ucm.es/id/eprint/57120/>; Gregory Crespo, *supra* note 120; Comas Pagán, *supra* note 7; Villamil, *supra* note 7; Lara, *supra* note 7; Martínez, *supra* note 7; Alameda, *supra* note 7; Empleada Departamento de Agricultura de Puerto Rico, *supra* note 114.

<sup>158</sup> Serrano Ocasio, *supra* note 119; García, *supra* note 142; Dahil Colón, *supra* note 157 at 8; Gregory Crespo, *supra* note 120; Comas Pagán, *supra* note 7; Villamil, *supra* note 7; Lara, *supra* note 7; Martínez, *supra* note 7; Alameda, *supra* note 7; Empleada Departamento de Agricultura de Puerto Rico, *supra* note 114.

Rico has a unique agricultural structure that has not been used fully because of bureaucracy, corruption, and resources. If Puerto Rico does not change its development, the DelPaís Law will never reach its full potential.

## **CHAPTER IV RECOMMENDATIONS TO THE DELPAÍS LAW**

The previous chapter identified issues in the DelPaís Law using the Five Factors analyzed in Chapter II. This chapter has some critical considerations to consider before implementing, such as the individualist culture in Puerto Rico, the bankruptcy supervisory board, the United States Constitution's Commerce Clause limitations, and international shipping restrictions. The DelPaís Mark has elements that set the stage for the Five Factors predominating in GI policies so the Law can have a product-origin-quality link as required in TRIPs. Also, amendments proposed to solve the issues in the certification trademark can be fixed so these can co-exist. Recommendations correspond in the same order as the issues presented in Chapter III.

### **I. CRITICAL CONSIDERATIONS BEFORE IMPLEMENTATION**

Policymakers should consider cultural, legal, and regulatory considerations before implementation efforts. The first of the concerns is the individualistic culture in Puerto Rico, which presents issues with the willingness to implement if recommendations do not offer economic benefits. Recommendations benefit marginalized agricultural SMEs, but not necessarily Hecho en Puerto Rico; thus, the first group will favor proposals more than the latter. Such a dichotomy might slow down implementation. The second consideration is that "Puerto Rico's political status governs and shapes what is possible for food systems. Puerto Rico's agriculture is not sovereign and is subject to USDA regulations, thus has no part in choosing policies." For example, under Sui Generis systems, a GI law needs a private fund, but the Puerto Rico Department of Agriculture cannot create such a fund because it limits interstate commerce. The difference between what the Puerto Rican Government can and should do is even more relevant since PROMESA's fiscal supervision board's imposition. The board has enormous discretion, as they can approve, reject, or revert any law to keep a balanced Governmental budget. The board adds an unnecessary

bureaucracy to the lawmaking and approval process of the DelPaís Law's amendments.<sup>159</sup>

The third consideration is that the United States flagged ships do the shipping in Puerto Rico, raising costs significantly for Puerto Rican products. Even though there are “duties discounts” in free trade agreements transactions, there is no exception to the exclusive use of U.S. carrier ships. The fourth consideration is that Puerto Rico cannot participate directly in treaties because of Puerto Rico's territorial status; it impedes the Government from representing itself on an international stage and depends on the United States to do such a task. Here, Puerto Rico cannot participate in the Lisbon Agreement but can indirectly participate in TRIPS. Thus, if interested in registering a GI, the GI can end up without protection if the name is contrary to the product's origin or products do not come from the stated source. Most Puerto Rican products would not have a problem, but others may be invalid as raw materials are not entirely local. If a certification or collective trademark (or any other source identifier) follows international treaty requirements and acquires source designation, then the owner can apply for European Sui Generis legal protections.<sup>160</sup>

Indirect participation does not mean complete isolation from the rest of the world, as Puerto Rico can participate in treaties. However, there is a divide between Puerto Rico's political parties regarding participation. Depending on whom you ask, international affairs can be “treason and disrespect towards the United States that put Puerto Rican rights at risk of being taken away as a

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<sup>159</sup> Puerto Rico Supreme Court, *Commonwealth v. Northwestern Selecta, Inc.*, 185 40 (2012); *Rigau, Bordas Co. v. Secretario de Agricultura*, 87 534 (1963); RUBÉN BERRIOS MARTÍNEZ, FERNANDO MARTIN GARCÍA & FRANCISCO CATALÁ OLIVERAS, *PUERTO RICO NACIÓN INDEPENDIENTE: IMPERATIVO DEL SIGLO XXI* 330–331 (Libros El Navegante ed. 2010); Molina, *supra* note 134; Gregory Crespo, *supra* note 120.

<sup>160</sup> MERCHANT MARINE ACT OF 1920, JONES ACT, 46 USC 50102 (1920), <https://www.law.cornell.edu/uscode/text/46/50102>; Leaffer, *supra* note 19 at 2–9; MARY BROOKS, *THE JONES ACT UNDER NAFTA AND ITS EFFECTS ON THE CANADIAN SHIPBUILDING INDUSTRY* 12–13 (2006), [https://www.researchgate.net/publication/228390627\\_The\\_Jones\\_Act\\_Under\\_NAFTA\\_and\\_Its\\_Effects\\_on\\_the\\_Canadian\\_Shipbuilding\\_Industry](https://www.researchgate.net/publication/228390627_The_Jones_Act_Under_NAFTA_and_Its_Effects_on_the_Canadian_Shipbuilding_Industry); Darryl C. Wilson, *The Caribbean Intellectual Property Office (CARIPO): New, Useful, and Necessary*, 19 MICHIGAN STATE UNIVERSITY COLLEGE OF LAW JOURNAL OF INTERNATIONAL LAW 551, 553 & 582 (2011).

punishment” or a way out of colonialism. Still, since all political parties expressed concern for Puerto Rico’s food security, and all of them favor the DelPaís Law; thus, changes in the Law should focus on these concerns to reach a compromise.<sup>161</sup>

Previous considerations create additional and unnecessary bureaucracy for solutions, but these are not insurmountable. Extensive awareness of the Government, political parties, farmers, associations, and everyone in between about the benefits of the recommendations can conquer barriers. Recommendations are a compilation of the *Do*’s and *Don*’ts from Chapter II and Puerto Rican legal scholarship.<sup>162</sup> Solutions presented in the next section are validated as feasible by Puerto Rican Scholars, and some are currently implemented under these barriers. Amendments ensure that the Department of Agriculture’s mission matches the one in the DelPaís Law and motivates all stakeholders to send a consistent message to investors, visitors, and other interested parties.

## II. SOLUTIONS TO THE DELPAÍS MARK’S INCONSISTENT AND CONFUSING MARKETING

Chapter III identified that the DelPaís Law has inconsistent marketing, lacks source information in the DelPaís Mark Logo, and has a disorganized collective marketing strategy. Proposed solutions are implementing a three-pronged enforcement system, redesigning the logo, and creating crop-specific domestic and international marketing plans. For proper implementation,

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<sup>161</sup> Arnaldo Teissonnière Ortiz, *Situación de Puerto Rico frente al Derecho Internacional, con especial referencia al Derecho Internacional del Trabajo y la Participación en la OIT*, 12 CUADERNOS DE ESTUDIOS EMPRESARIALES 325, 331–333 (2002); Greighton Francisco Torres Rodríguez, *El Efecto Del Tratado De Libre Comercio De Estados Unidos Con Centroamérica Y República Dominicana (Dr-Cafta) En El Desarrollo Económico De Puerto Rico*, LV HORIZONTES REVISTA DE LA PONTIFICIA UNIVERSIDAD CATÓLICA DE PUERTO RICO 21–26, 22–24 (2012).

<sup>162</sup> ALLAIRE ET AL., *supra* note 10 at 20; DR. MYRNA COMAS PAGÁN, PLAN ESTRATÉGICO INTEGRAL AGRÍCOLA PARA PUERTO RICO 10 (2016), <https://drive.google.com/file/d/1xhh11tnAGFw-HYWJlkXmyBxyVW2SI-k0/view>; COMAS PAGÁN, *supra* note 5 at 13; COMAS PAGÁN, *supra* note 135 at 15; COMITÉ INTERAGENCIAL DE LA ESTRATEGIA DE PUERTO RICO, *supra* note 49 at 5; Carvajalino-Arevalo, *supra* note 115 at 86; BELLETTI ET AL., *supra* note 59 at 155; GIOVANNI AND ANDREA, *supra* note 59 at 155; JOSÉ VICENTE. CHANDLER, UNA AGRICULTURA PARA LOS 90 E INICIOS DEL 2000 33–34 (1994); RAFAEL PICÓ, DIEZ AÑOS DE PLANIFICACIÓN EN PUERTO RICO 10 (1952), [https://issuu.com/coleccionpuertorriquena/docs/diez\\_a\\_os\\_de\\_planificaci\\_n\\_en\\_puert](https://issuu.com/coleccionpuertorriquena/docs/diez_a_os_de_planificaci_n_en_puert).

it is suggested to develop a code of practice first and then a marketing plan.

**A. ISSUE: GOVERNMENTAL INCONSISTENCY- SOLUTION: SUPERVISE FIDA**

As identified, there is a new marketing strategy with a new administration. The Department of Agriculture might currently perform what is proposed here, but permeating inconsistencies make it seem that there is no procedure or a lack of enforcement of such a process. Therefore, the DelPaís Law should implement a three-pronged enforcement system to ensure consistent marketing; one prong to supervise FIDA, another to supervise participants, and the last to implement a strategic marketing plan. The Department of Agriculture should oversee FIDA; its sub-agency has compliant applicant forms and a detailed marketing plan. The checklist below stipulates components of “compliant applicant forms.”

<b>Checklist</b>	
<b>Compliant Applicant forms to the DelPaís Law requirements, such as:</b>	
	Having a code of practice (see <i>Product Description</i> section).
	Farmers applying have qualified businesses (see <i>Legal-Institutional</i> section).

To illustrate how to implement the checklist, the Department of Agriculture can consider that FIDA fulfilled the duty of “compliant application forms” when 50% or more of applicants are domestic agricultural SME members of the DelPaís Association and sell a niche product in a specialized market. For example, a compliant agricultural SME would be part of an orange farmer’s association. Members live in the north of Puerto Rico, historically known for sweet oranges because the mountain’s altitude and temperatures concentrate sweetness. In addition, orange producers are registered as a not-for-profit entity, and eligibility has geographical area and expertise in processing oranges as criteria for membership. The benefit of having a system to monitor compliant applicant forms is that FIDA can focus on agricultural industries with the most potential and improve those with problems.

Also, an enforcement system and evaluation tools guarantee consistent use of the DelPaís

Mark by FIDA. It is suggested to use tools such as *Planificando Mi Finca* (Planning my farm) and the USDA's *The Economics of Local Food Systems*. These tools have two purposes. The first is to help the Department of Agriculture assess and identify the current infrastructure necessities and improve programs, help farmers, and direct employees by conducting a SWOT, cost-benefit, feasibility, supply demand, and other analyses. For example, suppose the Department of Agriculture conducts cost-benefit research revealing that the plantain industry has high costs. FIDA can direct or assist farmers in filing for USDA grants or attract investors to lower costs. The second reason is to help farmers start an agro-company, teach market requirements, get financing, apply incentives, and other start-up procedures. The guides contain directories of all the permits, subsidies, credits, exemptions, and financial-technical help available. These directories also show which agencies hold the information needed for farmers for important decision-making processes like identifying that establishing businesses in the north of Puerto Rico is less viable than in the south because the area has lower operational costs and competitors.<sup>163</sup>

This section planned supervisory enforcement of the Department of Agriculture to its sub-agency, FIDA. The following section discusses the second prong of the enforcement system.

### **1) Issue: Farmer's Inconsistency- Solution: Contracts**

The second part of the three-fold enforcement system is for farmers, supermarkets, and intermediaries to have contracts with the Department of Agriculture. Contract clauses listed in the checklist below subject parties to transparency, capability, and reliability towards each other.<sup>164</sup>

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<sup>163</sup> COMAS PAGÁN MYRNA, PLANIFICANDO MI FINCA (2018), <https://myrnacomas.files.wordpress.com/2019/11/planificando-mi-finca-1.pdf>; USDA, THE ECONOMICS OF LOCAL FOOD SYSTEMS A TOOLKIT TO GUIDE COMMUNITY DISCUSSIONS, ASSESSMENTS AND CHOICES (2017), <https://www.ams.usda.gov/sites/default/files/media/EconomicsofLocalFoodSystemsToolkit.pdf>. AMS or Agricultural Marketing Services is a sub-agency of USDA in charge of providing funds for agricultural businesses and State Departments of Agriculture for marketing.

<sup>164</sup> COMAS PAGÁN, *supra* note 5 at 20, 30–31; COMAS PAGÁN, *supra* note 162 at 4–10; Saade Maldonado, *supra* note 7; García Padilla, *supra* note 115; Gregory Crespo, *supra* note 120; Comas Pagán, *supra* note 7.

<b>Checklist</b>	
<b>Farmer’s contracts stipulate they are subject to inspections that may include:</b>	
	CPA-certified audits depend on the business type specified (see <i>Legal-Institutional</i> section).
	Random blind tastings or visiting farms and food collection and distribution centers.
	Producers receive help to change from Cosecha y Crianza to the DelPaís Mark.
<b>Supermarket contracts should obligate:</b>	
	The right to solicit the Department of Agriculture or farmer’s papers listed above.
	Transparency in fair prices (i.e., federal minimum wage plus a 20-30% sales commission).
	Product inspections verify all are the DelPaís Law qualified products. If there is no label, they should contact the farmer or intermediary to label or return the product.
	Submission of inspection papers above to the Department once a month.
<b>Intermediary contracts must obligate these to:</b>	
	Pay a fair price as stated in the supermarket contracts above.
	Farmers and supermarkets can cancel contracts if the intermediary removes labels, free riders of imported food, and does not offer verification documentation to the supermarket and Department.

To illustrate how the checklist works, if there are non-compliant parties, the Department of Agriculture meets with parties to ensure contract compliance, satisfaction, and performance evaluations. Also, the Department uses data collected from parties to attract investors. For example, suppose that the orange industry goes beyond compliance. The Department can state to investors that they receive more return on investment because of this behavior than the apple industry, which has non-compliant participants. Also, the Department of Agriculture and FIDA host pre-contract training for parties about niche products for specialty markets. The University’s Experimental Station verifies the source and quality. Finally, the GI label conveys to consumers that parties complied with the contract concerning paying a fair wage. In sum, this prong creates obligatory contract clauses for participants of the DelPaís Mark.

The following section implements a strategic marketing plan for both FIDA and participants.

***B. ISSUE: COLLECTIVE MARKETING-SOLUTION: STRATEGIC MARKETING PLAN***

The third prong has FIDA and DelPaís Mark complying with a “strategic marketing plan” built on data from application forms. The DelPaís Law should contain a strategic plan template, so FIDA and farmers know how to promote products. “*Marketing Analysis: An Action Plan for*

*Puerto Rican Coffee Producers*” and *EMBAJADA DE ESPAÑA, Situación Agrícola de Puerto Rico, EL SECTOR AGRÍCOLA EN PUERTO RICO (2019)* are great models as they determine a product’s price, distribution, market, consumer and characteristics. As detailed in the checklist, the strategic plans should include educational and tourism campaigns, national advertising, networking events, and GI systems training.<sup>165</sup>

<b>Checklist</b>	
<b>Strategic marketing and promotion plan presented by FIDA that:</b>	
	Identifies the leading supply chain actors for each product. For example, a coffee producer might have won awards for ten years, setting the standards for following the code of practice for the rest of the coffee farmers in the Collective Organization.
	Identifies target market with a consumer profile and retention strategies. Consumer profile should include race, age, income, sex, gender, residence, place, preferences, etc.
	Identifies where, when, and how to sell products. For example, large businesses sell through supermarkets, while smaller ones accept from online stores.
<b>FIDA and farmers have creative marketing representing the product like:</b>	
	A strong brand image targeting tourism, retail, incubators, and entrepreneurs.
	Promotional programs for the DelPaís Mark explicitly state that if visitors want to consume local products, they should go to restaurants or agro-tourism sites that use local products.
	Must have consistent and uniform marketing but be up to date with the latest marketing trends. (i.e., based on statistics of promotions and algorithm preferences)
	Providing information directly from a reputable source, such as the USDA or UPR.
	Hire experts from different professions and communities to facilitate marketing, distribution, and address market entry barriers.
	Identify untapped marketing tactics, like setting a tasting table to display brochures, business cards, and products for people to buy or taste the product in supermarkets.
<b>National campaigns on GI protection schemes for producers and consumers that:</b>	
	Promote agricultural entrepreneurship, protect resources, and stimulate research.
	Feature unique GI product characteristics that consumers look for when purchasing products.
	Reiterate the difference between GI products and non-GI product quality, local products and free-riders, GI tools and their respective definitions, characteristics, and functions, and the GI product’s potential effects on converting the DelPaís Law into a GI.
<b>FIDA and farmers create networking events:</b>	
	For farmers to connect with interested parties willing to invest in Puerto Rico.
	Strengthening ties between consumers and producers. This increases product recognition, reduces confusion, and emphasizes local product consumption.

<sup>165</sup> CARMEN ALAMO GONZÁLEZ, *MARKETING ANALYSIS: AN ACTION PLAN FOR PUERTO RICO COFFEE PRODUCERS* 13–14 & 140–146 (2007), [https://issuu.com/bibliotecaecaea/docs/manual\\_para\\_la\\_produccion\\_y\\_exporta](https://issuu.com/bibliotecaecaea/docs/manual_para_la_produccion_y_exporta); *EMBAJADA DE ESPAÑA ET AL., SITUACIÓN AGRÍCOLA DE PUERTO RICO* 2–5 (2019), <https://www.icex.es/icex/GetDocumento?dDocName=DOC2020859344&urlNoAcceso=/icex/es/registro/iniciar-sesion/index.html?urlDestino=https://www.icex.es:443/icex/es/navegacion-principal/todos-nuestros-servicios/informacion-de-mercados/sectores/servicios/documentos/DOC2020859344.html&site=icexES>.

Beyond the agricultural industry, which helps the supply chain to sell products.
<b>Farmers should receive training about:</b>
Incentives and that these attend to their needs.
Current cultivation practices.
Financial literacy.
Budget planning.
Creating advertisements.
Accounting records.
How to make marketing plans publicly available.
<b>The Puerto Rican Department of Agriculture should work with the Puerto Rican Department of Export and Commerce and the Department of Tourism to:</b>
Revive the “Law to Create a National Mark” and rename it to “Discover Puerto Rico.” Discover Puerto Rico should be separate but complementary to the DelPaís Mark.
<b>Department of Agriculture and Tourism export plans should focus on:</b>
Company recruitment, outreach, and referrals.
Export training and documentation.
Trade shows, leads, and missions.
Government-to-Government business accords.
Market intelligence using the USDA market access program.
Maximizing Puerto Rico’s unique position of exporting agricultural products under a GI, the Government needs to consider a market beyond the United States.

To illustrate how the checklist works, say that plantain farmers lose money because they market raw plantains through the newspaper. FIDA would match them with domestic and foreign buyers, grants, investors, and branding experts to cater to a new target market in Puerto Rico. Then, with money and expertise, the farmers can sell and advertise value-added products like plantain flour or frozen tostones through social media to attract gluten-free product consumers.

Also, marketing plans encourage the Department of Agriculture and producers to work together since one needs farmers’ expertise to advertise to the correct target market. The other needs data to sell products to the accurate target market.<sup>166</sup> For example, FIDA promotes candied oranges without consulting producers beforehand targeting lower-income families between the ages of 21-50. If FIDA had consulted farmers, they would have planned campaigns for investors,

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<sup>166</sup> Manuel Cidre, *Siembra la Tierra*, <https://anchor.fm/empresarismo-con-calle/episodes/Siembra-la-tierra-e4coto>; Cortés, *supra* note 154.

saying, “Investing \$10 in the agricultural industry helps farmers receive 70% more income and increases consumer recognition by 90% over the past year.” Advertisements to consumers would be to medium-income individuals between 30-40 saying “local oranges and plantains are a great part of a balanced diet with more vitamins and minerals compared to imputed products.”

Therefore, the checklist functions as a loop benefiting the Department of Agriculture and farmers. The Department collects data from the farmer’s Collective Organization to improve farmers’ operations and helps them market products. Farmers use data to keep creating material and update Governmental services offered to them. Similarly, the Department of Agriculture needs to work with other agencies like the Department of Tourism to build export and national campaigns. The data collected from farmers helps create networking events, experts, funds, and other services that address needs. For instance, the Department of Agriculture and Tourism starts an Orange Festival at the peak of the season in farmers’ municipalities, an agro-tourism route for tourists to try orange products while visiting farms and taking farmers to international expos.

As part of the three-pronged system, farmers and the Department of Agriculture should have a logo showing the products’ place of origin prominently to consumers. In addition, the label has other helpful information as established in the product definition section.




***C. ISSUE: PLACE OF ORIGIN NOT CLEAR IN THE LOGO-SOLUTION: LOGO REDESIGN***

Chapter III states that the place of origin is not prominent in the DelPaís Mark logo. The Department of Agriculture should consider redesigning the DelPaís Mark by making Puerto Rico more pronounced. Hence, consumers associate the product with origin and quality and reduce confusion with other marks. The goal caters to domestic and international markets with obligatory logo use in all products and promotions from the Department of Agriculture. The logos below reflect the best ways to create domestic and international product-origin-attribution; there is no

regulatory limitation to implementing one, all, or options not contemplated here.

The first option is an excellent way for the Department of Agriculture to save money as it will use one logo for all markets. However, domestic consumers may have the additional hassle of reading a product’s label to ensure its source location within Puerto Rico. Furthermore, if the Department creates domestic logos, it must do so for Puerto Rico’s 78 municipalities, and thus, while being hyper-specific, it can increase labor costs. However, it is not an impossible task as the Department of Tourism created a similar tactic, creating municipal stickers to collect in a “Puerto Rican passport.”<sup>167</sup> A middle ground alternative would be to group municipalities, since the USDA already divides Puerto Rico into five areas for statistical analysis. Such grouping identifies crops to those areas; however, municipal governors and residents might disagree with such groups, as each municipality has its differences. Thus, before implementing regional labels, it is recommended to solicit input from local officials to determine the best way forward. Irrespective of the alternative, farmers can balance having one logo for their products and inserting additional information necessary to create a product-origin-quality link.

New logos from left to right—new logo; municipal logo; regional logo. (Designed by author)

<b>Option 1:</b> One logo for both markets	<b>Option 2:</b> Option 1 for export and 78 municipal logos for the domestic market.	<b>Option 3:</b> Option 1 and five logos for Puerto Rico’s north, south, east, west, and central regions.
		

<sup>167</sup> Departamento de Turismo, *Pasaporte- Turismo Interno*, WEB ARCHIVE (2021), <https://voyturisteando.com/poncha-tu-pasaporte/>.

To create great marketing campaigns following the checklist guidelines, the Collective Organization must plan a code of practice detailing a product definition with raw materials and geographical area. Furthermore, a well-formulated product definition in the DelPaís Law should cover one product supply chain. The following section proposes how to achieve such endeavors.

### **III. SOLUTIONS TO THE DELPAÍS LAW'S ABSENT PRODUCT DESCRIPTION**

The DelPaís Law's Product Description covers multiple products and lacks codes of practice that define Product Description, raw materials, qualification standards, and geographical areas. This dissertation proposes creating certification marks and a GI depending on the good's agricultural and cultural history and reputation in Puerto Rico. The Department of Agriculture, FIDA, and Agricultural Extension Service can identify industries with the most potential to seek GI legal protection and be marketed as a GI product. For instance, some potential products are pork or coffee. Policymakers can integrate a code of practice model format in the DelPaís Law to reduce product subjectivity. Having a model helps build qualifications standards, delimited geographical areas, and processing procedures in the code of practice. Thus, farmers can guarantee that products follow product definitions by having a raw material-resource inventory, a traceability infrastructure, and a grading system for all crops. Last, the Law should integrate the USDA and Experimental Station maps.<sup>168</sup> Farmers benefit from a law that provides a code of practice because it is a way that the Government offers technical assistance for farmers to adequately protect produce while giving farmers the power to regulate the industry.

#### ***A. ISSUE: MULTIPLE PRODUCTS-SOLUTION: CERTIFICATION MARK AND GI BASED ON GOODS***

This dissertation contemplates improving the DelPaís certification mark by mimicking the

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<sup>168</sup> Patterson, *supra* note 118 at 42–44; USDA, *supra* note 163; USDA, LOCAL FOOD SALES CONTINUE TO GROW THROUGH A VARIETY OF MARKETING CHANNELS (2021), <https://www.ers.usda.gov/amber-waves/2021/october/local-food-sales-continue-to-grow-through-a-variety-of-marketing-channels/>; Estación Experimental Agrícola Universidad de Puerto Rico de Mayagüez Colegio de Ciencias Agrícolas, *supra* note 127.

infrastructure in New York Grown for the Certified mark and creating a GI depending on the history and reputation of the goods listed in the DelPaís Law. Irrespective of being a mark or GI, farmers should follow recommendations throughout because products should have an enforcement system to keep a consistent and uniform supply chain. Having both a certification mark and GI will help address the issues in Puerto Rican Products' domestic and international market.

The determination of which products will use certification mark and/or GI depends on the history and reputation of the goods. For the DelPaís Law to have the potential to become a GI or have a GI policy, it must integrate and follow the GI definition in TRIPS. Therefore, products with an origin and quality attribution must consider that GIs might not work for all agricultural industries. GIs are traditionally used for crops directly planted on the land or have processes passed down through generations. For instance, GIs will not work for hydroponics because crops are grown in water, not land, and the industry is relatively new to Puerto Rico compared to other sectors. On the other hand, there is more research and work in the coffee and pork industries in Puerto Rico because more people, money, and time contributed to the industries. Thus, policymakers would have to select an agricultural sector with the most potential using the evaluation tools in the *Marketing* section.<sup>169</sup>

Due to Puerto Rico's agricultural and cultural history, the roasted pork and coffee industries have the most potential. Lechonera Certificada Cerdo 100% de Puerto Rico is a private trademark owned and administered by the Association of Pig Farmers of Puerto Rico, a group of pork meat producers frustrated with the DelPaís Mark and the Department of Agriculture. They organized the roasted pork industry, drafted a Code of Practice, and now inspect meat producers,

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<sup>169</sup> Blanco Santiago, *supra* note 21 at 450–452; Ileana I. Diaz & Carol Hunsberger, *Can agroecological coffee be part of a food sovereignty strategy in Puerto Rico?*, 97 GEOFORUM 84–94, 84–94 (2018); Santiago, *supra* note 115; Irene Calboli, *Interview About Geographical Indications in Puerto Rico, International law and general dissertation tips*, (Feb 24, 2021).

ensure high-quality meats and prevent fraud in selling imported pork as local pork. They filled the gap of what the Department of Agriculture cannot provide in Certification Mark Laws. For example, the association takes steps to actively post on social media the differences between local and imported pork, feature roasted pork restaurants, reiterate the importance of protecting the traditional knowledge behind the Puerto Rican roasted pork, provide feed to members, and establish a bank. The association felt that the industry needed additional legal protection to limit free-riding, recognize the Puerto Rican traditional pork seasoning, and increase tourism of foreigners and mainland Americans looking to taste such pork and its famous cuerito. The association presented the *Law Recognizing Roasted Pork to Puerto Rican Congress as Cultural Patrimony*, elevating pork seasoning and roasting to a “GI” for economic development.<sup>170</sup>

Like Lechonera Certificada, Puerto Rican coffee has the potential to become a GI as coffee is heavily researched, invested, and monitored by PROCAFÉ, an association created by coffee growers and the University of Puerto Rico Mayagüez Campus. This association is one of the few with a publicly available code of practice (*Illustrated Manual for The Production of Specialty Coffee, From The Seed To The Cup*) and marketing plan (*Marketing Analysis: An Action Plan for Puerto Rican Coffee Producers*) used as guides to improve the DelPaís Law. In addition, Puerto Rican coffee has been highly sought after for centuries by Puerto Ricans, foreigners, and mainland Americans. Therefore, PROCAFÉ felt that having a Code of Practice, Puerto Rico’s history and reputation linked to coffee merited passing *Denomination of Origin for Puerto Rican Coffee*.<sup>171</sup>

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<sup>170</sup> Rodríguez, *supra* note 115; Caraballo, *supra* note 115; Torres, *supra* note 115; Santiago, *supra* note 115.

<sup>171</sup> DR. LUIS O’NEILL PUMARADA & ARQ. RAFAEL PUMARADA, *CONTEXTO HISTÓRICO: INDUSTRIA CAFETALERA EN PUERTO RICO 1736-1969* 6 (1989), [https://www.academia.edu/15588299/Contexto\\_histórico\\_del\\_café\\_en\\_Puerto\\_Rico\\_1736-1969](https://www.academia.edu/15588299/Contexto_histórico_del_café_en_Puerto_Rico_1736-1969); José Ramos López et al., *Los Cafetaleros de Puerto Rico Proyecto Mejorando la Calidad del Café de Puerto Rico Desde La Finca a la Taza: Manual Gráfico para la Producción de Café de Alta Calidad Desde la Semilla Hasta la Taza*, (2017), <https://www.uprm.edu/cafe/wp-content/uploads/sites/292/2020/01/Portada-1-merged.pdf>; Alamo, *supra* note 121; Méndez and Cortés, *supra* note 127.

*Law Recognizing Pork as Cultural Patrimony* and the *Denomination of Origin for Puerto Rican Coffee* lacked specifications, quality standards, funding, and traceability because policymakers did not understand the importance of such recognition in economic development. Both laws would require the same amendments suggested for the DelPaís Law for them to work. However, both pose great opportunities because of their collective associations actively working on protecting the industry.

Depending on the success, the guidelines delineated throughout this chapter can be used as templates for other agricultural sectors. This would work similarly to implementing the sales tax in Puerto Rico, implemented in one municipality before expanding to the rest of the island.<sup>172</sup> To illustrate, let's say that the Department of Agriculture uses the evaluation tools mentioned previously and concludes that the sector with the most potential to become a GI is pork. Then, the Department presents a bill to the Puerto Rican Congress using recommendations suggested and successfully implements the programs to fulfill the Law in the north part of Puerto Rico. Then, some years later, the Department can use the evaluation tools again to expand GI protection to the rest of Puerto Rico and other industries.

The suggested solution for products building or with no reputation is to emulate the *New York Grown and Certified* program. It provides a more organized structure for funding, sales kits, marketing material, campaigns to attract consumers, and management assessment. *New York Grown and Certified* has a dedicated website with pages about the program, directory, benefits, forms, and events. In addition, *New York Grown and Certified* has codes of practices, a directory, Legal-Institutional programs, and marketing campaigns for all crops. In contrast, the DelPaís Mark

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<sup>172</sup> NOTICEL, DEL "WILLIE TAX" A LA INEFICIENCIA MUNICIPAL POR LA QUE NOS QUIEREN HACER PAGAR (2017), <https://www.noticel.com/ahora/20170129/del-willie-tax-a-la-ineficiencia-municipal-por-la-que-nos-quieren-hacer-p-2/>; Rodríguez, *supra* note 115; Ruiz Nieves, *supra* note 156.

had a dedicated website from 2002 to 2013 that permanently shut down. The Department's website offers information about FIDA but makes no direct statements that they work with farmers applying for the mark. The Department of Agriculture and FIDA manage a Facebook page for the DelPaís Mark, mostly promotional rather than informative.<sup>173</sup>

The benefit of emulating New York Grown and Certified is that farmers in a collective organization can apply to use the trademark to then “upgrade” to a GI. For example, many harvested vanilla as a countercyclical crop during the coffee and tobacco era in Puerto Rico's agricultural history. However, when the industries died down, so did vanilla. Today, there is a non-profit organization called Vanilla Castañer, whose mission is to revive vanilla in Puerto Rico and establish a cooperative system, code of practice, delimited geographical area, and Product Description. They currently sell their product at \$20/oz but can trade at \$200/oz if they certify their product as a GI. Vanilla as a GI has an industry value of the global vanilla market was valued at USD 2.7 billion in 2020. Its current market opportunities are for farmers to sign exclusivity contracts with pharmaceuticals, cosmetic, or food manufacturers. The pharmaceutical industry is a market that the Vanilla Castañer farmers can take advantage of in Puerto Rico since it contributes “34-50% of the GDP, generates 18,000 direct jobs and over 60,000 indirect jobs, 12 of the 20 most used pharmaceutical products worldwide are currently produced on the island.”<sup>174</sup>

The other benefit of having a website is that a person interested in establishing a business, for example, can enter the website to see each product section. This section will feature successful producers stating, “Bee-witched honey increased income by 15% this year and even won an

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<sup>173</sup> Departamento de Agricultura, FIDA, <https://www.agricultura.pr/fida> (January 14,2021) New York State, New York Grown and Certified, <https://certified.ny.gov/> (last visited Jan. 14, 2022)

<sup>174</sup> Figueroa and Reiya, *supra* note 47; La importancia del sector farmacéutico en Puerto Rico, <https://www.icex.es/icex/es/navegacion-principal/todos-nuestros-servicios/informacion-de-mercados/paises/navegacion-principal/noticias/sector-farmacaceutico-puerto-rico-new2021870246.html?idPais=PR> (last visited Nov 26, 2021).

award!” Then this interested person would feel compelled to fill out the form or call for more information. The form assigns an expert to help; once approved, other farmers and consumers enter the website to find the new farmer in the directory. This checklist also helps build a website suggested in the *Economic Impact* section. Here, the DelPaís Law delegates duties to FIDA to create a website containing the checklist elements.

<b>Checklist</b>	
	Features spotlight stories, “About the program,” and “Where to buy” directory.
	Has forms that clearly state the qualifications for each product.
	Publicly display the DelPaís Mark users’ exclusive benefits. (see <i>Marketing Section</i> ).
	Stipulate program opportunities (see <i>Marketing</i> section).
	Provides contact information of the person in charge of the regional program administrator, funding opportunities, related programs, and social media handles.

**B. ISSUE: NO CODE OF PRACTICE- SOLUTION: MODEL FORMAT GUIDELINE**

Chapter II identified that the DelPaís Law does not have a Code of Practice per crop and that not all associations have a code. Therefore, the DelPaís Law should integrate *Conjunto Tecnológico para la Producción* and *Illustrated Manual for the Production Of Specialty Coffee, from the Seed to the Cup* as a model format for a code of practice. Hence, agricultural sectors follow a uniform structure. Other industries can use the table as a starting point, changing it depending on the region, product, and supply chain elements.<sup>175</sup> The goal is to balance the code of practice standards and social-cultural-environmental factors. The table uses these models to present what is possible to include in a code of practice. The code of practice is crucial to determine the Five Factors, which will have the same format but differ per crop.

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<sup>175</sup> BAIGÉS, FERNÁNDEZ, AND SEPÚLVEDA, *supra* note 127; Diaz and Hunsberger, *supra* note 169 at 84–94; Méndez and Cortés, *supra* note 127; Luis E. Méndez & Mildred Cortés, *Las Implicaciones en la Diferenciación del Café*, <https://www.uprm.edu/desdelaeaa/2014/05/27/las-implicaciones-en-la-diferenciacion-del-cafe/>; Luis E. Méndez & Mildred Cortés, *Industria del Café en Puerto Rico – Dra. Carmen Alamo*, <https://www.uprm.edu/desdelaeaa/2013/09/23/industria-del-cafe-en-puerto-rico-dra-carmen-alamo/>; Luis E. Méndez & Mildred Cortés, *Competencia La Taza de Oro de Puerto Rico*, <https://www.uprm.edu/desdelaeaa/2015/09/22/competencia-la-taza-de-oro-de-puerto-rico/>; Mildred Cortés, *Cafés diferenciados y sus mercados potenciales en Puerto Rico*, <https://www.uprm.edu/desdelaeaa/2019/10/07/cafes-diferenciados-y-sus-mercados-potenciales-en-puerto-rico/>.

Table 1: Code of Practice Elements.

<b>Subject</b>	<b>Description</b>
Eligibility	Farmers reside and domicile in Lares, Jayuya, Utuado, Yauco, Maricao, Ciales, San German and Mayagüez. (center-west municipalities)
Quality standards	Specialty high-quality coffee comes from berries at a midpoint between completely red and green. Therefore, defects, no over or under-ripe berries, will affect the coffee’s flavor and astringent taste.
Cultivation and processing practices	The steps are: 1) picking, 2) weighting, 3) floating (classification and foreign material removal), 4) fermentation, 5) de-pulping, 6) cleaning, 7) machine or sundry, 8) storage, 9) toasting, and 10) grinding.
Raw material sources	High-quality coffee uses Arabica, Typica-Arabica, or Bourbon; lower grades use Caturra, Catuai, Pacas, Limani, and Foton.
Geographical area	Mountainous area, 1,200 altitudes, 50% inclination, 75°F, consistent rain and at least 8-13 hours of sun, and 70-85% humidity.
Product Description	Roasting will determine body, aroma, acidity, flavor, and sweetness; for instance, it becomes more acidic as toasting increases.
Supply chain	Farmers, beneficiaries (processors), and roasters.
Inspection and monitoring of the verification system	Farmers, processors, and roasters must watch for defects: black, pruned, broken, eaten, slightly orange, fungus-infected, wrinkled, cut, and conch-shaped beans. A grading system helps the farmer identify defects in coffee to improve and classify their harvests for sale. If a crop has over five defects within 350g, the harvest has a lower grade.
Institutional structure and operation	Each step in the supply chain has a group that works to get products to the supermarket. For example, when coffee was the economy’s main motor, the structure was horizontal, but it was vertical.
History	Coffee is one of the most important agricultural products in the Puerto Rican economy since the 18th century.
Reputation	Puerto Rican coffee is one of the best coffee, world-renowned by Corte Inglés, Wine Spectator, Harrods London, and coffee sommeliers.
Marketing plans and target markets	Middle-high incomes between the ages of 18-24 Hispanic or Puerto Rican and live in the Northeast or Florida, United States.
Grading	Code has a grading system selling different products at different quality levels in corresponding niche markets.

To illustrate that the code of practice in the table can be implemented with any crop type, let’s say that orange farmers determine eligible producers live in the northwest of Puerto Rico, an area cultivating sweet Las Marianas species oranges since the 1900s. First, the community holds an annual orange festival every year where they sell different products using oranges. Their supply chain members are seed suppliers, farmers, and processors like those that sell orange liquor, candied oranges, and peels as fertilizer. Next, oranges farmers established the valleys between the

mountains with an average of 60°F. Last, they inspect oranges by color, size, and firmness.

The following section illustrates how the code of practice can help guide the formulation of the Product Description and its components: raw materials and geographical area.

### ***C. ISSUE: NO PRODUCT DESCRIPTION-INTEGRATE MODEL DEFINITIONS***

Like the code of practice, Product Descriptions follow the *Illustrated Manual* and “*Conjunto Tecnológico para la Producción*” to determine cultivation procedures, invasive species control, biodiversity, consumption preferences, and other investigations. Of course, Product Descriptions would vary by crop, but the DelPaís Law should have format requirements such as crop species, geographical terrain, altitude, temperatures, crop size, taste, and color. For example:

**Product:** The pumpkin of the Cucurbita Moschata Duchesne variety has the optimal production area in Puerto Rico’s Mountain areas at 7,200 ft in altitude at a 50°F to 90°F max temperature. Its optimal appearance: a pulp of 1.2 to 4 inches, outside must have a firm texture, a pale yellow with intense orange, and oval-shaped from 0.6 to 0.8 in thickness. **Geographical Area:** Optimum conditions are flat terrains with 5.5-6.8 pH levels. **Qualification:** USDA classification grades are Fancy, No 1. And No. 2. based on color, firmness, cleanliness, form, and absence of rot, worms, scars, frostbite, diseases; packaged in the corrugated carton by bushels.<sup>176</sup>

Since the Experimental Station conducts studies and farmers work the crop daily, it would be reasonable that the DelPaís Law delegates them to verify that produce follows Product Descriptions to guarantee that products sold to consumers are, in fact, those in the code of practice. As new information about the product emerges either by research, investigation or field finds by the Experimental Station or farmers, product definitions will be updated.

Establishing a traceability system control for raw materials to ensure fresh produce adds to the verification system for Product Description is discussed in the next section.

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<sup>176</sup> Estación Experimental Agrícola Universidad de Puerto Rico de Mayagüez Colegio de Ciencias Agrícolas, *supra* note 127; Sonia Martínez, *Conjunto Tecnológico para la Producción de Calabaza*, (2012), <https://www.uprm.edu/eea/wp-content/uploads/sites/177/2016/04/1.-CALABAZA-INTRODUCCION.pdf>.

**D. ISSUE: RAW MATERIALS TRACEABILITY-SOLUTION: GRADING SYSTEM**

Product Descriptions should also include supply chain information about raw materials and resources used to maintain traceability. The manuals above can help determine what raw materials and resources are necessary for the product definition. Models like *Development Plan for Lajas Valley (2016)* and *Food Security of Puerto Rico (2013)* show farmers how to build traceability by taking inventory and establishing controls. These take inventory of crops, land, financing, consumption, operational costs, jobs, production value, and investment required for crops.<sup>177</sup> These models help determine that the pineapple industry in the south of Puerto Rico needs nine acres, a \$1 million investment, 20 jobs, and 20,000 minimum production and has a potential Economic Impact of \$8.9 million. Once there is a resource inventory, the model imposes traceability controls on enforcing farmers to present evidence to the consumer that the product is, in fact, local (complies with the 65% raw material rule). The models suggest that a label, order receipts, and inspection papers help traceability compliance, as seen in this checklist.

<b>Checklist</b>	
	Farmer’s inspection papers listed in the enforcement system ( <i>Marketing</i> section)
	Farmers label with <i>Product Description</i> : farm location, ingredients, and grade classification.
	Farmers keep order receipts for seeds, cultivation photos, and random product samplings.
	Fines imposed on intermediaries and supermarkets that remove labels from local producers.

For instance, farmers should inspect papers confirming operations follow the code of practice, that they buy locally harvested seeds and random samplings of produce keep a consistent 65% in raw material. A farmer can present proof of traceability to supermarkets, Governments, and consumers by inserting such information into the product. An example of a product label is “Light amber 100% Puerto Rican Honey Grade A; Ingredients: 100% pure raw honey from Bee-Witched Apiary bees, Camuy Puerto Rico” (image on left); when the customer scans the QR code,

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<sup>177</sup> COMAS PAGÁN, *supra* note 5 at 1–5; COMAS PAGÁN, *supra* note 162 at 22, 24, 26, 30.

it will take them to see the traceability steps (image on right).



Figure 5: Suggested Labels.  
(Author-created)

The most important part of the traceability system should be its grading system, as it helps determine the quality, prices, and distribution markets for multiple variations of the GI product. For instance, orange farmers can choose a grading system defined by percent defects by weight: A = 0-10%; B = 10-20%; C = 20-30%; D = 30-40%; F = 50% or more. Grades help create three variations: High quality at \$20-34/lb, Medium Quality at \$9-20/lb, and Low at \$4-6/lb.<sup>178</sup>

The last component of the product definition is to delimit the geographical area, as discussed in the next section. It is the area that will produce sustainable amounts of the product containing unique characteristics.

#### ***E. ISSUE: MISSING GEOGRAPHICAL AREAS-SOLUTION: INTEGRATING MAPS***

The Product Description should also include a detailed map of the product's geographical area. Literature suggests small areas, so farmers have the interest and capacity to attract and sustain visitors because the area is recognizable. As stated in, the Department of Agriculture has outdated maps and uses those from the USDA. Only recently, the Puerto Rico Department of Agriculture updated its website to present a link to the United States Department of Agriculture Climate Hub

<sup>178</sup> Alamo González, *supra* note 109 at 8.

of Agricultural Statistics. Besides the Experimental Station's *Conjunto Tecnológico de Producción*, the USDA is the leading resource since it creates maps, conservation, zoning, soil surveys, climate, and general statistical analysis. Integrating both in the DelPaís Law should create geographical area descriptions with supply chain movements, members, and locations of each step.<sup>179</sup>

The Climate Hub map illustrated below identifies that most pineapples produced in Puerto Rico are from the west side; therefore, the delimited area in the DelPaís Law for pineapples should be those municipalities. However, excluding farmers from the east side would not solve the issues identified in Chapter III. Here, pineapple farmers should create GIs for the west and east, keeping management in sub-committees with small geographical areas within the same association. Irrespective of goods using a trademark or GI, the DelPaís Law should stipulate which municipalities produce the specific crop and a producer's location.



Figure 6: USDA Climate Hub Map.<sup>180</sup>

A code of practice with a product definition itemizing specifications, geographical area, and raw material accelerates the approval for legal protection provided by the Legal-Institutional

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<sup>179</sup> Estación Experimental Agrícola Colegio de Agrónomos de Puerto Rico Servicio de Extensión Agrícola, *Mercadeo de Productos Agrícolas en Puerto Rico Memorias Foro Técnico*, (1990); Estación Experimental Agrícola Universidad de Puerto Rico de Mayagüez Colegio de Ciencias Agrícolas, *supra* note 127; United States Department of Agriculture & Puerto Rico Department of Agriculture, *Agricultural Statistics Island Level Search All Crops*, USDA CARIBBEAN CLIMATE HUB (2020), [https://caribbeanclimatehub.org/estadisticasagricolas/?page\\_id=2372&lang=en](https://caribbeanclimatehub.org/estadisticasagricolas/?page_id=2372&lang=en).

<sup>180</sup> USDA Climate Hub Map: [https://ea.caribbeanclimatehub.org/?page\\_id=2369&lang=en](https://ea.caribbeanclimatehub.org/?page_id=2369&lang=en) (last visited November 25, 2021)

structure. The following section proposes which farmers will be eligible and what procedures they should follow to seek GI legal protection under the DelPaís Law.

#### **IV. SOLUTIONS TO THE DISORGANIZED LEGAL-INSTITUTIONAL SUPPORT FOR THE DELPAÍS LAW**

The DelPaís Law Legal-Institutional issues identified in Chapter III were unclear eligibility rules, vague procedural rules, disorganized financial-technical assistance, and subjective Governmental duties. The solutions are to create business-type requirements, delineate a procedure for farmers who want GI legal recognition, tailor assistance by business type, and establish clear Governmental duties. Proposed solutions add more complexity to the eligibility procedures, but clarity reduces abandonment and “fishing expeditions” when applying to use the DelPaís Mark. Moreover, it broadens financial-technical assistance previously provided to Bonafede Farmers.

##### ***A. ISSUE: UNCLEAR QUALIFICATIONS FOR USE- SOLUTION: INTEGRATE OTHER LAWS***

The DelPaís Law should identify agricultural SMEs as micro, small, medium, and large as established in the *Law to Create Incentives for SME employees' creation and Retention of SME Employees*. Irrespective of the businesses size, operations should be among one of these seven activities found in the *Bill of Rights for Farmers*:

Micro generates less than \$500,000 income and has less than seven employees; Small has less than 3 million and 7 to 25 employees; Medium has less than 10 million and 25 to 50 employees, and 4) Large has over 50 employees and 10 million income.

1) Farming or tilling the land to produce fruits and vegetables, seasoning spices, and all kinds of foodstuffs intended for human and animal consumption. 2) Breeding animals to produce meat, milk, and eggs. 3) Breeding thoroughbred racehorses and purebred horses. 4) Mariculture, commercial fishing, and aquaculture. 5) Commercial production of flowers and ornamental plants for the domestic market and export. 6) Growing vegetables through the hydroponic method. 7) Any other commercial production deemed an agricultural business.<sup>181</sup>

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<sup>181</sup> LEY DE INCENTIVOS PARA LA GENERACIÓN Y RETENCIÓN DE EMPLEOS EN PYMES, 2014 PR LAW 120 (2014), 17ma Asamblea Legislativa—3ra Sesión Ordinaria, P. de la C. 1909. LEY PARA ESTABLECER LA CARTA DE DERECHOS Y DEBERES DEL AGRICULTOR, 2006 PR LAW 39, 5 LPRA 1155, Section 2 (2006). See also: Correa Matos, *supra* note 18 at 30; Karen Orengo, *Estrategia de Nicho y Expansión Internacional: estudio comparativo entre Pymes de los territorios insulares de Puerto Rico y Córcega*, WORKING PAPER PII 2014, CENTRO DE INVESTIGACIONES E INICIATIVAS ACADÉMICAS (CICIA) 28, 28 (2014).

These businesses must comply with requirements as stipulated in the table below. First, the percentage of operations would change from a fixed 50% to starting at 30% and increase per business type to 100%. Second, a reduced or complete waiver of incorporation fees should be offered to micro and small businesses based on income. Third, the burden of compliance with financial and sanitary standards increases as the business size increases. For example, the Department of Agriculture would provide free aid to a small business submitting a statement saying it relies on a university clinic to run such accounting because it can't afford an employee. In contrast, a large business would be subject to fees to cover services offered to small businesses.

**Table 2: Requirements by Business Type for the DelPaís Law.**

<b>Requirements</b>		<b>Micro to Small</b>	<b>Medium</b>	<b>Large</b>
Bonafede Farmer's	Employees	Micro: 0-7; Small: 7-25	25-50	50 or more
	Operations Dedicated to Industry	30-50%	50-80%	80-100%
Costs to Incorporate		No cost	Low cost	Full cost
Financial Capacity		Show papers available, plus short statement or evidence showing they cannot fulfill requirements—sanction enterprises passing off as small businesses.	Present financial statements from the last 3 to 5 years, no CPA or audit is necessary.	Five years of CPA audited financial statements. Encouraged to work with or invest in SMEs
Other Documents <sup>182</sup>		Not required	Required	Required
Sanitary Standards: Percentage of Compliance		80-90%	90-95%	100%
Assistance		For free	Low cost	None

Eligible businesses to these new rules would have to follow the administrative rules set below in the next section to ensure they are, in fact, worthy of additional legal protection by the GI.

<sup>182</sup> Other documents presented to FIDA include but are not limited to business permits, EPA reports, business plans, credit score, Penal record, operation manuals, Treasury certificates, viability studies, etc.

**B. ISSUE: UNCLEAR ADMINISTRATIVE RULES- SOLUTION: UNIFORM APPLICANT FORMS**

Chapter III identifies employees do not disclose administrative rules, so farmers apply to the DelPaís Mark without knowing the exact procedures. There are two suggested changes to solve the lack of clarity and accessibility. One establishes a uniform application procedure in the DelPaís Law so farmers can receive legal protections and recognition for having a legitimate interest in protecting a product. The other creates guides that policymakers, employees, and supply chain actors can use to understand the GI system and processes.

The uniform application procedure expects the farmer proof of compliance with the checklist below. The checklist contains the uniform application form contents in the first prong of the marketing enforcement system.

<b>Checklist</b>	
	Directly dedicated to the extraction, production, and elaboration of the protected product.
	Performs activities in the geographical area.
	Products and procedures comply with conditions, requirements, and qualities.
	Bylaws or declarations state the association is linked to the GI.
	Specifies how the supply chain benefits from the GI.
	The membership meets the requirements in the code of practice.
	Specify the number of producers, processors, or extractors that form the association.
	Presents scientific evidence of processing carried out in that area within the collectivity.
	Have resources to carry out procedures required to maintain the GI system.
	Publicly disclose who the allowed members in the GI system are and code of practice.
	Comply with requirements stipulated in <i>the Collective Organization</i> section.

To illustrate the checklist, suppose that after revamping marketing operations, plantain farmers determine enough resources for a sustainable industry, and members are interested in seeking legal protection and recognition. Records published on a website show that 100 members dedicated 90% of operations to agriculture for 50 years. In addition, they verified that produce follows the code of practice with the Extension Service (regional Experimental Station). With the uniform procedure, they know to check for a code of practice, bylaws, membership database, and scientific evidence before applying should legitimate interest to the Department of Agriculture.

The second part creates guides, so policymakers consider the effects of GIs in other policies, production, technology, and other essential matters. These will help farmers and other supply chain actors understand the GI registration process. The DelPaís Law should follow *Ernesto Zayas García, Derecho Agrario Puertorriqueño: Aspectos Legales, Reglamentarios y de Cumplimiento con Mayor Importancia para la Agricultura* as a model. This book explains making business, permits, contracts, commercial code, safety, health, transport, trade, labor issues, pesticides, biotechnology, food safety, natural supplements, agricultural bankruptcies, farmers’ rights, and agencies and universities’ responsibilities. Also, policymakers can use it to look for regulations related to trademarks and GIs. For example, for plantain farmers unclear on pesticides allowed for the Organic Seal, this book helps with that information.

The checklist below unifies the various sections of this chapter. For instance, include the model formats for a code of practice, marketing plans, procedures for GI protection, establishing a Collective Organization, and applying for financial assistance. The goal is for the Puerto Rican Government and the Department of Agriculture to make GI system policies easy to understand and accessible and reduce ridicule and persecution that farmers feel at the hands of Governmental employees.<sup>183</sup> In addition, the new eligibility requirements and administrative rules make it easier for the Department of Agriculture to coordinate distributing financial and technical support.

<b>Checklist</b>	
	Include campaign programs. ( <i>Marketing section</i> )
	Offer explanations for PRCMs, how they work, and management. ( <i>Collective Organization</i> )
	Provide examples and illustrations to explain rules or procedures to facilitate changes, improvements, GI registration, and maintenance.
	Map of each regulation and process managed by the agencies. ( <i>Product Description section</i> )
	Instructions on creating a code of practice and procedures for each stakeholder. ( <i>Product Description section</i> )
	List of financial, legal, technical, and other assistance. ( <i>Legal-Institutional section</i> )

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<sup>183</sup> Diaz and Hunsberger, *supra* note 169.

The following section suggests using a scaled distribution for the different business types.

**C. ISSUE: DISORGANIZED SUPPORT - SOLUTION: BUSINESS TYPE REQUIREMENTS**

Chapter III identified agricultural incentives to give tax exceptions to the Bonafede Farmers, whose definition currently excludes agrarian SMEs. Changes in *Unclear Requirements to Qualify for the DelPais Mark's Use* section proposes changing the Bonafede Farmer definition to scale distribution per business type. To change the industry of rewarding large businesses with big tax exemptions, it is fairer to receive for a micro-business to receive a greater tax exemption. Therefore, a scaled financial distribution changes production volume requirements based on income. The distribution balances between firms being left unassisted or abandoned and having too much assistance. The suggested scale is small companies receive 85%, medium 80%, large 50% in exemptions, and 1.6-3.3% in credits, as shown below.<sup>184</sup>

Table 3: Scaled Distribution.

<b>Business Type Income</b>	<b>Exemption</b>	<b>Inventive/Credit</b>
Micro, less than \$500,000	90%	\$4,166 to \$83,000
Small, less than \$3M	85%	\$29,166 to \$583,000
Medium, less than \$10M	80%	\$108,300 to \$2.2M
Large, over \$10M	50%	\$175,000 to \$3.5M

Another solution can be that the DelPaís Law can establish that the DelPaís Association motivates non-members to become members by offering subsidies, rewards, training, and support programs if they abide by the rules. This way, the DelPaís Law gives more flexibility to farmers to actively search for funds beyond those offered by the Government and does not have the private fund restriction. Solutions center on actively searching for crowdfunding, grants, private investors,

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<sup>184</sup> CÓDIGO DE INCENTIVOS DE PUERTO RICO, Capitulo 8 Agroindustrias (2019). Government credit for agricultural businesses is \$250,000 to \$5 million if Bonafede Farmers invest in \$15,000,000 in businesses. Credit calculated: 250,000/15M= 1.6%; 5M/15M=3.3%; average (ave) (1,500000)\*1.6%=4,166; ave (1,500000)\*3.3%=83,000; ave (500000,3M)\* 1.6%= 29,166; ave (500000,3M)\*3.3%=583000; ave (3M,10M)\*1.6%= 108,300; ave (3M,10M)\*3.3%=2.2M; ave (10M,20M)\*1.6%=175,000; ave (10M, 20M)\*3.3%=3.5M (industry standard for agricultural tax programs)

and federal or state offers. Such active fund search helps broaden the accessibility to DelPaís Mark farmers participating in Family Markets.

These suggestions cannot be implemented and maintained correctly without stipulating duties for Governmental agencies and departments. Therefore, the following section proposes a solution to include all the Legal-Institutional structures involved in the DelPaís Law and Mark.

***D. ISSUES: VAGUE ROLES FOR THE GOVERNMENT -SOLUTIONS: DELINEATED DUTIES***

The goal is to get *Senate Project 2378* approved, so the DelPaís Law offers more details about FIDA's duties. The DelPaís Law amendments should reflect responsibilities for Governmental departments and private organizations that work with the DelPaís Mark to fulfill recommendations in the *Legal-Institutional* and *Collective Organization* sections. Integrating all stakeholders improves coordination between agencies, sub-agencies, and private parties.

As established in the table below, each Department or agency will work with programs related to the DelPaís Law.<sup>185</sup> For example, FIDA or the DelPaís Association facilitates proper use of funds and GI system management. The Department of Agriculture and the USDA focus on providing resources to farmers, supervising sub-agencies, and assisting with marketing and funding. The University of Puerto Rico focuses on education and research to keep farmers updated with the best practices and also to help them with building codes of practice. Other agencies work with export, festivals, agro-tourism routes, supplier distribution, and private financing. Private businesses help collect, label and price produce received by farmers. Last, farmers are the system's lifeblood, collecting produce, requesting services, and sharing data from their operations.

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<sup>185</sup> ERNESTO ZAYAS GARCÍA, *DERECHO AGRARIO PUERTORRIQUEÑO: ASPECTOS LEGALES, REGLAMENTARIOS Y DE CUMPLIMIENTO CON MAYOR IMPORTANCIA PARA LA AGRICULTURA* 53 (Ediciones Situm ed. 2021); COMAS PAGÁN, *supra* note 5 at 56–58; COMAS PAGÁN, *supra* note 162 at 145.

Table 4: Government Responsibilities.

Agency	Duties
<p>FIDA and/or the DelPaís Association</p>	<p>(1) Study, develop and implement a brand strategy with a strategic marketing and promotion plan, including short-, medium- and long-term goals, indicators, tactics, and design. (2) FIDA must develop and implement promotional campaigns using local mediatic businesses. (3) Realize investigations and statistic reports to improve FIDA’s mission and goals. (4) Develop and manage a website, social media, and other internet platforms. FIDA will also maintain a general page for all its services. (5) Receive donations, grants, and royalties to FIDA’s bank account. (6) Formalize collaborative agreements; these should go through a fair auction process. (8) Prepare a yearly budget and work plan. (9) Form an evaluation committee for applications to use the DelPaís Mark. (10) Apply a prohibition from incurring costs inconsistent with the strategic plan. (11) FIDA can delegate any above duties to a private or public organization. And (12) All necessary powers must comply with the Law, such as formalizing public or private instruments. FIDA is also responsible for facilitating Puerto Rico’s agricultural sector development, growth, diversification, and stability by exposure to ways to expand markets, maximize proper use of federal and local funds, promote job creation, train farmers to meet the quality standards, provide an agile and expeditious financing tool to farmers and promote entrepreneurship or innovative business culture.</p>
<p>Department of Agriculture</p>	<p>Serve as liaison, monitor alliances, create marketing campaigns and financial assistance, provide operational and logistical services to farmers, create rules and policies to build uniformity with the region’s approach to fulfilling the DelPaís Law, ensure grassroots group representation, monitor market shares, reduce duplicate resources, encourage collective and multidisciplinary action, train public officials and employees, foster a responsive legal infrastructure and ensure enforcement on main markets.</p>
<p>University of Puerto Rico Mayagüez Campus Agricultural Science College and Experimental Station</p>	<p>Research, educational activities, and technical assistance ensure farmers adopt acceptable agricultural practices, increase production, promote local food consumption, and facilitate coordination.</p>
<p>United States Department of Agriculture (USDA)</p>	<p>Encourage agricultural production by offering financing to reward production and marketing.</p>
<p>Municipalities</p>	<p>Stimulate farmers’ participation in the supply chain by solving community issues.</p>
<p>Department of Tourism</p>	<p>Coordinate various tourism routes and events, such as the Pork or Fish Route and coffee tours.</p>

Port Authorities; Export and Commerce Department	Export products to Latin America, the United States, and Europe and participate in international events.
Economic Development Bank	Offer financing and financial literacy to farmers.
Farmers	Any farmer that qualifies with stipulated requirements in the DelPaís Law can apply to use the DelPaís Mark. However, it is the farmer’s responsibility to use the mark on packaging.
Associations	Each association might have a collective mark, but they should use other marks like the DelPaís Mark.
Supermarkets Farmers’ markets	Under contract with the Department of Agriculture, must use and display the DelPaís Mark and products using the mark.

The following section details how farmers should be organized.

**V. SOLUTIONS TO THE LACK OF COLLECTIVE ORGANIZATION IN THE DELPAÍS LAW**

The DelPaís Law’s Collective Organization issue identified in Chapter III is too many organizations to manage, and rivals overshadow the DelPaís Mark. Therefore, the solution presented here creates the DelPaís Association and encourages sharing resources with the DelPaís Mark users. Collective Organizations benefit farmers by offering a unified system where they can share resources, gain bargaining power, achieve economies of scale, have sustainable production volumes, and have a sense of community.

***A. ISSUE: MULTIPLE ORGANIZATIONS-SOLUTION: CREATE AN ASSOCIATION***

Chapter III concluded that the DelPaís Mark needs a not-for-profit organization. The DelPaís Law delineates FIDA can delegate all its duties to the DelPaís Association. The suggested organization type is a not-for-profit because the Government can give power to citizens to control the industry, rather than a private institution that may impose policies where citizens cannot voice opinions. In Puerto Rico, citizens dislike public-private alliances because of previous bad experiences where services have worsened their quality. To resolve having multiple organizations, the DelPaís Law’s amendments should create a not-for-profit association representing all the DelPaís Mark users. Here, FIDA takes a more supervisory or collaborator role in fulfilling obligations. The DelPaís Association should have a quasi-public authority recognized and

respected by the Government to protect the industry. A way to gain power and respect is to have the characteristics stipulated in the checklist below.

It is suggested that the DelPaís Association have membership catering to goods under the trademark and other producer communities can use the checklist guideline to apply for GI protection. These producer communities under a GI can still join the association to use the mark to enjoy membership benefits. Since this would be voluntary, it is suggested to provide some incentive to motivate private businesses to invest in creating these areas for the DelPaís farmers.

<b>Checklist</b>	
	Complies with administrative rules and shows legitimate interest. ( <i>Legal-Institutional</i> section)
	Has a code of practice ( <i>Product Description</i> section).
	Has a marketing plan ( <i>Marketing</i> section).
	Has the financial capacity to have a fund dedicated to supporting the GI system.
	It is an independent organization from the Government that administers certification.
	Encourages participation and representation of all supply chain actors.
	Encourages enforcement of the code of practice, providing member-exclusive benefits.
	Membership is voluntary, but the implication is that non-participants are not compliant.

To illustrate the checklist, let's say that an association is independent when the Government declares it has delegated all regulations regarding a specific agricultural sector to that association. This association can encourage participation by integrating all members in revisions, evaluations, and assessments of the code of practice. The code of practice has enabled producers within the association to win recognition in other countries. Also, representation is 25% micro-, 25% small-, 25% medium-, and 25% large-businesses membership. Large businesses pay higher fees than smaller businesses because these fees help with marketing plans or technical services.

As detailed in the next section, this association will have the flexibility of making alliances with rivals to gain more resources.

***B. ISSUE: DOMESTIC AND THE UNITED STATES RIVALS -SOLUTION: ALLIANCES***

The DelPaís Law should delineate the duty of FIDA and the Department of Agriculture to

encourage the DelPaís Mark's users to participate in other programs by creating alliances between associations, companies, supermarkets, incubators, pro-bono clinics, and other institutions. As global competition intensifies and Puerto Rico seeks to move up the value chain, strong local companies will be a key to future prosperity, keeping foreign investors and reinvesting in other sectors where Puerto Rico is competitive. The suggestion is to create niche markets where producers can access industries and encourage marketplace inclusiveness. For instance, the Department of Agriculture's sponsored Family Market, private farmers' market, and supermarkets can create sections or separate areas only for the DelPaís farmers. Here the Department gives financial assistance to farmers to complete the requirements needed for products to be displayed at markets and ensure more exposure.

Combining a Collective Organization, Legal-Institutional structure, product definition, and marketing and proposed solutions in the next section show how a Collective Organization can produce sustainable quantities to increase income. This should increase the Economic Impact of local products on quantity and revenue. Furthermore, the systems implemented throughout the checklists generate data for the supply chain to improve the GI system. Therefore, the following section proposes collecting, verifying, and reporting such data.

## **VI. SOLUTIONS TO THE DELPAÍS MARK'S LIMITED ECONOMIC IMPACT**

The issues presented in Chapter III concerning the DelPaís Mark's Economic Impact are that there is not enough quantity to meet demands and a lack of statistical data. Solutions create a cooperative system and a database that will benefit farmers, making it easy to keep up with distribution demands and improve the GI system to expand to new markets.

### ***A. ISSUE: NOT ENOUGH QUANTITY-SOLUTION: COOPERATIVE SYSTEM FOOD HUB***

The Puerto Rican Department of Agriculture, FIDA (or the DelPaís Association), should

implement a cooperative system by implementing a food hub. A food hub is a center that collects, cleans, and packages crops received from farmers to sell to high-volume buyers. The food hub also links producers to markets offers business management guides, insurance, health screenings, and cooking demonstrations.<sup>186</sup> The cooperative system proposes to integrate big businesses as part of the distribution services of the food hub. They will have access to the same benefits as an agricultural SME, but at a lower scale, and can solicit tax exceptions if they invest in or work with agricultural SMEs. In addition, the DelPais Law can give FIDA or the not-for-profit association power to create economies of scale using the food hub. The checklist below shows what the food hub does for farmers, but it is not limited to doing more things outside the checklist.

<b>Checklist</b>	
	Identify product minimum and maximum production volumes.
	Collect produce, sort, package, label, clean, and distribute.
	Encourage farmers to use the land in the Department’s reserves to grow more crops.
	Guarantee is a commitment to buy from small- and mid-sized local growers.
	Organize aggregation, distribution, and marketing from producers to markets.
	Work with producers in building capacity to access wholesale and retail channels by facilitating the ability to meet supply chain requirements.
	Guarantee reasonable prices for producers by using product differentiation market strategies.
	Encourage associations to have a fund or that the Department allocates funds per crop.
	Determine product seasonality and create a secondary market complementary to GI products.
	Create an inventory to ease supply fluctuations with the pooled operation or centralized facility, and minimum price establishment ensures price stability for processors and growers.
	Invest in technology for farmers to increase production and fiscalization.

To illustrate the checklist, plantain farmers can take produce to the nearest food hub or contact the food hub to collect plantains. The contract between farmers and the hub can establish that the hub cleans, grinds, and processes 20,000 plantains to make 2,000 packages of flour with the farmer’s label and distribute to supermarkets in the north of Puerto Rico at \$15/lb. Plantain

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<sup>186</sup> USDA ET AL., RUNNING A FOOD HUB: A BUSINESS OPERATIONS GUIDE 9 (2015), [https://webcache.googleusercontent.com/search?q=cache:VG1ANN8AACwJ:https://www.rd.usda.gov/files/SR\\_77\\_Running\\_A\\_Food\\_Hub\\_Vol\\_2.pdf+&cd=1&hl=en&ct=clnk&gl=us&client=firefox-b-1-d](https://webcache.googleusercontent.com/search?q=cache:VG1ANN8AACwJ:https://www.rd.usda.gov/files/SR_77_Running_A_Food_Hub_Vol_2.pdf+&cd=1&hl=en&ct=clnk&gl=us&client=firefox-b-1-d). Molina, *supra* note 134.

farmers determined that with \$15, they could invest in drones to monitor farms. They will harvest vanilla, as most do not have additional land for secondary crops, and the vanilla orchid does not need much land. By implementing a food hub, farmers, Government, and Collective Organizations can collect data more efficiently, frequently, accurately, and confidently. Also, farmers can harvest enough production volume for the domestic and international markets.

They can present collected data in reports for investors, consumers, and themselves. The following section proposes how to manage and report data.

### ***B. ISSUE: LIMITED ECONOMIC DATA-SOLUTION: CREATE A DATABASE***

The DelPaís Mark must delineate that FIDA, and the Department of Agriculture collect, and report economic data related to PRCMs and the DelPaís Mark. Creating publicly accessible databases helps monitor resources for each sector, and the overall industry can help accomplish the commitment to managing data. In addition, studies and interviews reveal farmers would appreciate having a system that facilitates getting more opportunities for training. For example, *Colmena 66* is a database created by the Puerto Rico Science, Technology, and Research Trust that has contact information for different services needed to run a business.<sup>187</sup> The *Colmena 66* database has helped the entrepreneurial industry find expertise and acquire skills and applying this format specifically to agricultural SMEs could benefit this industry.

*House Project 2378* contemplates an obligatory duty to create annual reports, budget, inventory of funds, and audited financial statements; however, the project does not list specific metrics and indicators. Instead, the checklist below shows the metrics and indicators that FIDA and the Department of Agriculture should follow and that the DelPaís Law should integrate these

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<sup>187</sup>Ben Mald Corp, *Colmena 66 About Us*, COLMENA 66 (2020), <https://www.colmena66.com/es/conozcanos/conozcanos>. Puerto Rico Science, Technology & Research Trust, *About the Trust*, (2019), <https://prsciencetrust.org/about/>.

measurements. These ensure that the DelPaís Association and Department of Agriculture have specific, measurable, achievable, realistic, and time-framed goals. Private farmer’s associations collect data, and the DelPaís Association or FIDA will process this information into the database. The USDA, Institute of Statistics, and the University of Puerto Rico Mayagüez Campus will verify the collected data. Data collected must be from traceability and enforcement documentation like random samplings, farm inspections, CPA-certified audits, order receipts, and other verification methods. As listed in the checklist, some data collected will be production volumes, income, increase in sales per year, incentives distributed, training certifications acquired, the number of new GIs registered, etc. Data collection and verification should be frequently done by farmers, associations, and the government to publish reports on the website’s database.

<b>Checklist</b>	
<b>Short-, medium- and long-term goals must identify:</b>	
	Lessons learned and progressed made for each goal.
	How does each metric and indicator link to goals?
	A timeline to measure the progress of started, in-process, or incomplete projects.
<b>Census-style surveys of the opinions, attitudes, and status of the farmers must assess:</b>	
	Level and type of investment made management, person-hours, technology, etc.
	Incentives/disincentives to becoming/remaining a coffee farmer.
	Former producers’ reasons for abandoning production.
	Literacy rates and skills in technology.
	How easy is it to manage the SME’s business with the new GI?
	Price premium or a consumer’s willingness to pay more for a product.
	Domestic and exported product value.
<b>Per Agricultural SME, data must show:</b>	
	Production yields.
	Gross net income.
	Sales dollar and percentage increase.
	If they have created new technology and adopted it.
	If they are expanding.
	How many products do they have in the market?
	Where they distribute products.
	If they have other certifications.
	New channels selling local products.
	New employees.
	If they have received an incentive for adding value and marketing to the product.

<b>Data must show the number of:</b>	
	New SMEs and individuals benefiting from the program.
	Marketing plans, business plans, and codes of practice.
	Investigations.
	New agricultural business administration courses.
	New GIs established.
	Incentive programs accompanying the GI policy.
	Activities, events, and other benefits.
	Considered and approved Governmental projects or agreements that involve the use of the GI.
	Referrals to incubators, gastronomic institutions, and other educational businesses.
	New strengths, opportunities, weaknesses, and threats for the GI system.
<b>Data must show the number of consumers:</b>	
	Receiving training or informative material about cultivation, elaboration, and practices.
	Who has already bought, sold, processed, and distributed local products?
<b>A supply chain profile identifying:</b>	
	Income, trademarks, raw materials, services, goods, websites per farmers, distributors, wholesalers, and intermediaries
<b>A profile about market tendencies:</b>	
	Consumer preferences and income
<b>An investor profile:</b>	
	Economic Impact reports, return on investment, performance evaluations, etc.
<b>Consumer services:</b>	
	Agro-tourism services, festivals, online/physical shops, etc.

The website presents the metrics and indicators in an integrated report and data collection and verification as the database. Both verification processes deliver truthful information to investors and assurance to use of farmers' information beneficially. As presented in the checklist below, the website serves as a centralized website for farmers, investors, and consumers. To illustrate how the checklists work, suppose a new farmer wants to enter the orange industry. In that case, they will enter the database to see their nearest seed and fertilizer seller, who is selling or renting land, and membership requirement to the orange industry association. If consumers want to buy honey, they can enter the website to see the nearest bee farm. Also, investors would enter to see reports for each association before making investing decisions. For example, investing in the orange industry leaves them a 10% return but 5% in the plantain industry, and there is a 90% satisfaction rate from investing in both crops. Therefore, they can invest in oranges and plantains.

In sum, with reports, the cycle begins again. The data helps farmers update, monitor, and improve the GI system for the rest of the stakeholders involved and themselves.

## **VII. IMPLEMENTATION**

The dissertation proposes to present solutions in five to six years to relevant parties. In 2021, there were meetings with Secretary of Agriculture and Commerce about this dissertation's proposal. Both Secretaries expressed enthusiasm for implementing recommendations and have implemented some. The goal is to meet again with the secretaries once the dissertation is approved. In 2023 create a white paper, GI, and code of practice manual. There will be initial feedback meetings with association leaders to hear feedback and make appropriate changes. However, differences between associations might affect interests in proposed recommendations. From 2023- to 2024, another goal is to collaborate with the UPR Experimental Station and UPR Rio Piedras IP law clinic, private law firm, or incubator willing to sponsor an education program to train Government and supply chain actors and farmers, and other stakeholders. By 2025-2026, the white paper and guides should be in their final form to be presented to the Puerto Rican Congress and other departments. However, there is no expected interest from certain political parties whom does not endorse such laws as the DelPaís Law. Proposing anything during the election year will be contingent on who wins. All governmental processes paralyze until elections pass, and the legislative session starts.

If the Puerto Rican Congress approves amendments to the DelPaís Law, the Department may establish a not-for-profit association covering one product and supply chain. The association members will be farmers of the crop or product deemed to have the most potential in Puerto Rico. If the Department does not create an association, it can encourage farmers to form Collective Organizations. They can use the models to formulate a code of practice while implementing supply

chain representation, cooperative structure, and database. Once they have a code of practice, farmers can create marketing plans and apply for financial-technical assistance. The Department of Agriculture deems farmers worthy of GI legal protection and sets them up to ensure sustainable production volumes. The collaboration between the Collective Organization and the Government in collecting and publishing data attracts consumers, investors, and members. Implementation of the Five-Factor analysis is not restricted to Puerto Rico; there are plans to show this methodology to other Caribbean islands to discuss application to their source identifiers.

## **VIII. CONCLUSION**

The chapter's recommendations follow existing Puerto Rican models to solve issues identified with the DelPaís Law. Finally, the concluding chapter discusses the contributions and implications of this dissertation's recommendations.

## CONCLUSION

This chapter will conclude the study by summarizing the key research findings concerning research aims, questions, and contributions. This study aimed to evaluate the feasibility of creating a Geographical Indication Law through recommended policy amendments to DelPaís Law. The objectives were to 1) Explain geographical indicators and justify reasons to implement GIs for economic development; 2) study the Five-Factor strategy in GI policies Café de Colombia, Hawaiian Kona, Jamaica Blue Mountain Coffee, and Tequila de Mexico; 3) Apply the Five-Factor policy to identify why the DelPaís Law's history, implementation failed; and 4) Recommend policy changes within the Puerto Rico-United States relationship. The study's question was: Can DelPaís Law, with proper modifications, become a certification mark and geographical indication law used for the agricultural economic development of Puerto Rico?

### **I. KEY FINDINGS**

The literature review identified that Geographical Indications are source identifiers that create a product-origin-quality attribution and have legal protections under the European Sui Generis system. United States collective and certification trademarks can be source identifiers if the mark acquires source designation. An owner of a mark can accomplish this if they integrate the Five Factors used for GI policies into the eligibility requirements. Also, the owner can apply for European Sui Generis legal protections using several international treaties. The DelPaís Mark is a composite certification mark that, with certain modifications, can follow requirements to have a GI policy with partial legal recognition, which can benefit small and medium agricultural businesses in Puerto Rico. The goal of the modifications is to improve the functionality of the existing trademark and integrate a co-existing GI policy for certain goods with reputation and history, such as coffee.

Five Factors that a GI policy to function: 1) product definition, 2) collective organization, 3) legal-institutional framework, 4) marketing, and 5) economic impact. These Five Factors can be used for GIs, trademarks, and other source indicators to identify issues and propose solutions. Also, the Five Factors can be implemented in administrative regulations, association bylaws, or other non-legal, non-governmental documents. Product definition assures a product that stands out from the rest, justifying a higher selling price. An organization guarantees diverse representation, looking out for collective interest, and a concrete mission. A legal and institutional framework ensures financial and non-financial fair aid distribution to small and medium businesses. Finally, marketing efforts must comprise a clear strategic economic plan balancing consumer preferences, producer's needs, and governmental activities to align with the GIs' purpose of preserving traditional knowledge. The best practices are easy to follow qualification standards, delimited geographical area substantiated by history and science, consistently uniform marketing, financial and technical support, legal protection in domestic and international markets, and detailed publicly available economic impact data. Whereas practices to avoid are convoluted laws, an elitist membership, no statistical data, and low production volumes.

When applying the literature to the DelPaís Law, the results show these laws are well-intentioned, but the general disorganization in the government, marketing, and supporting laws clouds efforts to help small and medium agricultural businesses. Many moving parts are contributing to amendments to the DelPaís Law. If recommendations are implemented carefully, the answer to the research question is yes; GI can be feasibly implemented in Puerto Rico and fix the implementation of the existing certification marks. Recommendations establish a three-pronged enforcement system to supervise governmental employees, farmers, and indirect participants to resolve inconsistent marketing. For product definition, the DelPaís Law should

cover one product and its supply chain. To determine the product that merits GI or trademark protection, the Department of Agriculture must evaluate crops or produce with the most potential. Also, several model formats create the most critical piece to the Five Factors: the code of practice. The code of practice contains organization eligibility, cultivation processes, history, reputation, inspection, and marketing. There are significant changes in eligibility and administrative procedures integrating per business type requirements for Legal-Institutional. Suggestions also add duties for the agencies and Departments that work directly and indirectly with the DelPaís Law and Mark. Recommendations point to creating a collective organization with specific characteristics such as quasi-public authority, membership representativeness, and structuring operations as a cooperative system food hub. Combining the Five Factors' recommendations produces data and enough quantities to keep up with domestic and international market demands. Therefore, the answer to the research is yes, GI policies can be implemented in Puerto Rico, but require an extensive amount of work.

## **II. CONTRIBUTIONS AND IMPLICATIONS**

There are several contributions and implications for Puerto Rico's economic development if Puerto Rican Congress approves the suggested amendments. First, the DelPaís Mark as a GI helps target promotions to the most productive agricultural industries in Puerto Rico and expands the product to other sectors, like tourism. Second, the recommendations guarantee using all resources with collaborations between the Puerto Rican Department of Agriculture, farmers' associations, the University of Puerto Rico, and other private organizations. Third, the recommendations add value to agricultural products' cultural heritage and recognition of farming practices. Adding value helps farmers insert their work into the knowledge-based economy, meaning they are professionals supplying highly skilled services and receive higher salaries. This

would increase the export of products to new target markets, such as the diaspora. Fourth, there are agricultural businesses currently in Puerto Rico implementing these recommendations; thus, this poses an essential step toward the revival of Puerto Rico's agriculture. Outside Puerto Rico, this study provides a model to analyze GIs, trademarks, and other source indicators using the Five Factors to identify issues and propose solutions.

### **III. FUTURE RESEARCH**

Future studies can undertake more interviews to capture more representativeness and how farmers may implement suggested recommendations. Also, investigations can contemplate blockchain as a cost-effective and straightforward way for a supply chain to ensure raw materials are local and fresh. The Five Factors can be used for GIs, trademarks, and other source indicators to identify issues and propose solutions. Additionally, surveys can be conducted for a more holistic view on the Five Factors. Last, studies can gather more economic data to run quantitative methods.

### **IV. SUMMARY**

This conclusion presented findings, contributions, implications, and future research. Delineated results contribute a new perspective on source identification policies in agriculture.

## APPENDIX

### I. TABLES

Table 5: Relevant GI Policy Elements

Element	Description
Name	The name or image the community uses in commerce to identify product sources. Usually, producers use a registered brand name regarding a geographic location, features, or raw material.
GI system definition	Producers, supply chain actors, government, associations, and other institutions linked to GI product reach consensus on quality, reputation, history, and characteristics.
Territory	Cultural, natural, historical conditions determine territory size.
Product	How long has the product been produced, cultural significance, type of product, production method, raw materials, species variety, etc?
Protection	The type, scope, qualifications, or guarantee system and registration process.
Link	The product-origin-quality link includes reference to physical, geographical, processing, or aesthetic traits; technical standards, location, production; identifying resources, roles between supply chain participants; and proof of origin, unique history, reputation, and producer processing.
Marketing	Includes product-origin-quality link, consumer recognition, market consumption trends, and consumer confidence with traceability guarantees.
Supply chain stakeholders	These are often individuals, associations, corporations, governments, or organizations. Interactions are important in determining if members will build and maintain the GI within the context-specific challenges.
Processes and practices	Processes and practices often comprise qualification standards ensuring culture, social, and natural resource sustainability. These must identify potential economic development, added-value, remunerative markets, and employment rates.

Table 6: Five-Factor Implementation *Dos* and *Don'ts*

<i>Product Definition</i>	
Do–Best practices	Don't–Things to avoid
<ul style="list-style-type: none"> <li>▪ <b>Product differentiation:</b> Each producer differentiates goods while maintaining uniformity in specifications.</li> <li>▪ <b>Enough supply:</b> Product produced in enough volume and consistent quality. Implement a co-op system to provide quantity guarantees, inventory control, price stability, and a secondary market.</li> <li>▪ <b>Manage data:</b> Manage product specifications, geographical area, and qualification standards to monitor, evaluate, and improve quality.</li> <li>▪ <b>R&amp;D:</b> Research and development for production technologies.</li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>Vague product-origin-quality link:</b> A link not based on culture, history, or reputation, and quality is hard to differentiate. Product specifications devoid of cultural heritage, appealing to mass-market consumers. Organizations use bargaining power to lower standards to increase profits, pushing aside traditional knowledge.</li> <li>▪ <b>Broad or confusing definitions:</b> Product definition does not have specifications or are too broad. These are hard to follow or plan for big companies. Broad Geographical delimitations: No history or reputation associated with product.</li> </ul>

<i>Collective Organization</i>	
<b>Do–Best practices</b>	<b>Don’t–Things to avoid</b>
<ul style="list-style-type: none"> <li>▪ <b>Membership:</b> Members motivated to become and stay with financial support programs. Membership is voluntary, but non-member are uncompliant.</li> <li>▪ <b>Organizational structure:</b> Multi-actor nested organization with: quasi-public authority, financial capacity, code of practice, governance, and regulatory specifications.</li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>No benefits:</b> Collective Organization does not offer benefits for a producer to join, such as technical assistance, events, monetary rewards, and other support.</li> <li>▪ <b>Misaligned purposes:</b> Associations/ Governments do not preserve the GI system.</li> <li>▪ <b>Elitism:</b> Expensive membership fees excluding small producers.</li> </ul>
<i>Legal and institutional</i>	
<b>Do–Best practices</b>	<b>Don’t–Things to avoid</b>
<ul style="list-style-type: none"> <li>▪ <b>Monitoring:</b> Strict monitoring and enforcement with CPA audits, random blind tastings, inspections, and reports to keeping the GI system updated.</li> <li>▪ <b>Assistance:</b> Financial and technical support.</li> <li>▪ <b>Community investing:</b> Invest in communities by working with the Government to identify markets resources, coordinate activities, and develop new growth strategies. The community transfers knowledge and awareness through programs.</li> <li>▪ <b>Responsive legal structure:</b> A responsive legal infrastructure that deals with infringement, promotion, and legal reciprocity in agricultural GIs. Rules are easy to read, covering topics about GIs: what they are, how they work, management, maintenance.</li> <li>▪ <b>Grading system:</b> Grading hierarchy system guidelines serve as a model for agricultural products. Grading hierarchy helps maintain high-quality perception among consumers and control prices.</li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>Ignoring producers and no participation:</b> A Government or certifying institution does not consider local producers’ needs nor lets them participate in the policymaking process and creating Governmental programs.</li> <li>▪ <b>Isolation:</b> Members disconnected or have no communication.</li> <li>▪ <b>Unfriendly regulations:</b> hard-to-follow regulations that raise costs, making the product unsustainable, so producers abandon the industry or Government privatizes the industry.</li> <li>▪ <b>Disinterest:</b> No interest in protecting a GI product unless a significant event occurs, such as a counterfeit scandal, too many free-riders, or unfair competition.</li> </ul>
<i>Marketing</i>	
<b>Do–Best practices</b>	<b>Don’t–Things to avoid</b>
<ul style="list-style-type: none"> <li>▪ <b>Uniform and consistent labels:</b> Labeling system should balance information and restrictions to commerce. Products must have uniform packaging and promotions.</li> <li>▪ <b>Creative marketing:</b> Domestic</li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>Free-riding:</b> Government/ associations permit non-local free-riders enter the industry.</li> <li>▪ <b>No targeted marketing:</b> Non-existent or inconsistent marketing with no target market. If there are any, these focus on</li> </ul>

marketing strategies to distinguish Kona from other coffee varieties. Publish literature providing information directly from a reputable source instead of biased information to connect to production research, education, health care, housing and sanitation, promotion, and financing.	exporting and abandoning the domestic market altogether. Companies disrespect nor recognize product-origin-quality links. <ul style="list-style-type: none"> <li>▪ <b>Unclear labels:</b> Promotes features not scientifically proven nor from local folklore. Unclear information and labels mean nothing to the consumer.</li> </ul>
<b>Economic Impact</b>	
<b>Do–Best practices</b>	<b>Don’t–Things to avoid</b>
<ul style="list-style-type: none"> <li>▪ <b>Reports:</b> Impact reports published and distributed to different stakeholders and investors in agricultural economic development plans. Reports create budget sand forecasts that measure goals, survey resource distribution.</li> <li>▪ <b>Measure:</b> Price premium, Domestic and exported product value, production yields, gross net income, how entities benefit from GIs with increased access to financial assistance, added value, technology, and new markets.</li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>There is no data:</b> Little to no statistics about GIs Economic Impact, composition, profiles, prices, assistance, and products.</li> <li>▪ <b>No ROI:</b> Return on investment makes industry have an uncertain future.</li> <li>▪ <b>One product:</b> Community depends on one product; producers cannot maintain businesses and families if a product is affected by natural disasters or sicknesses.</li> <li>▪ <b>Industrialization by invitation:</b> Legal system inviting foreign companies to do business in the area.</li> </ul>

Table 7: Family Markets

Year	Farmers	Sales	Grants
2013	34.5	6.7M	600M
2014	66	6.5M	200M; 6M Economic Impact
2015	152	25.1M	No data
2016	135.2	42.6M	1B; 900M Economic Impact
2017	161	60.2M	\$1-2B approx..
2018	185	140M	No data
2019	128	200M	2B

This table is a compilation of various sources from 2013-2020<sup>188</sup>

<sup>188</sup> Mildred Cortés, *Análisis del establecimiento de los Mercados Familiares en Puerto Rico, 2014*, 101 JOURNAL OF AGRICULTURE- UNIVERSITY OF PUERTO RICO 143, 17 & 148 (2018); INTER NEWS SERVICE, CRECE EL NÚMERO DE AGRICULTORES EN MERCADO FAMILIAR (2019), [https://www.elvocero.com/actualidad/crece-el-n-mero-de-agricultores-en-mercado-familiar/article\\_65ac1018-dcbc-11e9-957b-bf2b006c443b.html](https://www.elvocero.com/actualidad/crece-el-n-mero-de-agricultores-en-mercado-familiar/article_65ac1018-dcbc-11e9-957b-bf2b006c443b.html); GERARDO CORDERO, CIFRA RECORD DE VENTAS EN PRODUCTOS DEL PAÍS EN NUEVO MERCADO FAMILIAR (2013), <https://www.primerahora.com/noticias/puerto-rico/notas/cifra-record-de-ventas-en-productos-del-pais-en-nuevo-mercado-familiar/>; EL NUEVO DÍA, MERCADO FAMILIAR SUPERA LOS \$10 MILLONES EN VENTAS (2014), <https://www.elnuevodia.com/noticias/locales/notas/mercado-familiar-supera-los-10-millones-en-ventas/>; INTER NEWS SERVICE, MERCADO FAMILIAR SUPERA VENTAS (2013), [https://www.wapa.tv/noticias/locales/mercado-familiar-supera-ventas\\_20131122256965.html](https://www.wapa.tv/noticias/locales/mercado-familiar-supera-ventas_20131122256965.html); TERESITA HEYDRICH BLANCO, SUPERA LAS EXPECTATIVAS EL MERCADO FAMILIAR (2016), <http://www.miprv.com/supera-las-expectativas-el-mercado-familiar/>; IVELISSE RIVERA QUIÑONES, EXITOSO EL MERCADO FAMILIAR (2013), <https://www.pressreader.com/puerto-rico/el-nuevo-dia/20130922/281625302998577>; EL NORTE, EXITOSO MERCADO FAMILIAR EN ISABELA (2014), <https://www.indicepr.com/elnorte/noticias/2014/09/25/28224/exitoso--mercado-familiar-en-isabela/>; DR. MYRNA

Table 8: The DelPaís Mark and Law Compiled Data

Year	Users	Sales and stores; average (ave)	Investments/grants
2006- 07	22	25% increase	\$250,000 to \$15M
2008	31.	\$2M-40 stores; Industry Value: \$15.2M.	28M overall; 10M marketing.
2009	37	\$4.8M-40 stores.	No data available
2010	45	Cheese \$1.4M; \$10M Meat; \$24M eggs	\$400,098 to \$1M
2011	53	Mall: \$453,400 4 stores- \$7,725; Ave coffee: \$47,500	\$21,000 to \$375,525.
2012	54	Mall: \$250,000-\$1.3M; 7 events-\$1M; \$2.4M-12 farmer's markets.	Ave: \$146,740; \$49M Cosecha y Crianza
2013	63	Mall \$1.075M. Coffee: \$6,000; Hydroponics \$200,000; Citrics \$87,976.59.	No data is available.
2014	61	Mall: \$1.5M; \$1.8M-58 Supermarkets.	\$229,415
2015	60	\$300,000 increase	Ave: \$56.8M
2016	62	1.2M-57 supermarkets.	No data available.
2017	70	\$1.3M-70 Supermarkets; 40 new jobs and 100,000 new clients	\$700,592
2018	96	\$3.5M during Expo Alimentario;	Ave: \$306,827
2019	N/A	\$2.7M-5.4M-35 Supermarkets; \$3.1M Hecho en Puerto Rico.	
2020			

This table is a compilation of various sources from 2006-2020<sup>189</sup>

COMAS PAGÁN, LLEGA A MAYAGÜEZ (2014), <https://mynacomas.files.wordpress.com/2019/11/llega-a-mayaguez-el-nuevo-dia-18-febrero-2014.pdf>; SARITZA AULETT PADILLA, PROJECTS TO ENHANCE THE COMPETITIVENESS OF PUERTO RICO SPECIALTY CROPS THROUGH BUY LOCAL PROMOTIONAL ADVERTISING PROGRAM UNDER A BRANDED IDENTITY PROJECT; MARKET ACCESS PLAN FOR LOCAL COFFEE PRODUCERS; BEST PRACTICES CAPACITY-BUILDING FOR LOCAL PRODUCERS; SCHOOL MARKET ACCESS & CAPACITY BUILDING FOR GREEN VEGETABLE PRODUCERS, AND VARIOUS RECOMMENDED SUB-GRANTEE PROJECTS 16 (2017), <https://www.ams.usda.gov/sites/default/files/media/PR13SCBGPFinalReport.pdf>; SARA DEL VALLE HERNÁNDEZ, EXPANDEN LOS MERCADOS AGRÍCOLAS EN ESTACIONES DE TRANSPORTE PÚBLICO (2015), <https://www.primerahora.com/noticias/gobierno-politica/notas/expanden-los-mercados-agricolas-en-estaciones-de-transporte-publico/>; DR. MYRNA COMAS PAGÁN, VENTAS MILLONARIAS, CREACIÓN DE EMPLEOS Y ACCESO A PRODUCTOS FRESCOS, EL MERCADO FAMILIAR (2015), <https://mynacomas.files.wordpress.com/2019/11/ventas-millonarias-creacion-de-empleos-y-acceso-a-productos-frescos-el-mercado-familiar-revista-de-la-placita-en-plaza-septiembre-2015.pdf>; Agrotemas, *Iniciativa de Mercados Familiares se acerca a los \$40 millones en ventas*, Mayo 2016 AGROTEMAS DE PUERTO RICO: DE AHORA, 2016, at 7; INTER NEWS SERVICE; LÓPEZ MORENO, IMPACTO AGRÍCOLA EN LA ZONA NORTE (2017), <https://www.informeagricola.com/impacto-agricola-en-la-zona-norte/>; Myrna Comas, *Al cumplir un año y siete meses de su fundación, los mercados familiares agrícolas han logrado ventas \$18,282,917, informó la secretaria de Agricultura, Myrna Comas, quien sostuvo que necesitan más agricultores para poder suplir el próximo mercado que abrirá para la región de Ponce, en verano.*, 1; VERA ROSADO, MERCADOS FAMILIARES Y EL PAN ACTIVAN LA AGRICULTURA (2019), [https://www.elvocero.com/economia/mercados-familiares-y-el-pan-activan-la-agricultura/article\\_e1b1f182-83f2-11e9-8121-77322e0b142f.html](https://www.elvocero.com/economia/mercados-familiares-y-el-pan-activan-la-agricultura/article_e1b1f182-83f2-11e9-8121-77322e0b142f.html).

<sup>189</sup> Mildred Cortés, *Tendencias en la compra de alimentos en Puerto Rico*, BOLETÍN ESTACIÓN EXPERIMENTAL AGRÍCOLA 9, 5 (2013); SARITZA AULETT PADILLA, FINAL PERFORMANCE REPORT USDA AMS AGREEMENT NUMBER 12-25-B-1453 (2012-FY) PUERTO RICO DEPARTMENT OF AGRICULTURE STATE PLAN 2012 PROJECTS TO

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ENHANCE THE COMPETITIVENESS OF PUERTO RICO SPECIALTY CROPS THROUGH A STATE BUY LOCAL PROMOTION AND MARKETING PLAN FOR LOCAL PRODUCERS, BEST PRACTICES CAPACITY-BUILDING FOR PRODUCERS, AND VARIOUS RECOMMENDED SUB-GRANTEE PROJECTS (2016), [https://www.ams.usda.gov/sites/default/files/media/PR12\\_SCBGP\\_FinalReport\\_5-20-16.pdf](https://www.ams.usda.gov/sites/default/files/media/PR12_SCBGP_FinalReport_5-20-16.pdf); Saritza Aulett Padilla & Carlos Alvarez, *Final Report 2006 Funds Specialty Crop Block Grant Co-sponsored by Integral Fund for Agricultural Development, Department of Agriculture of the Commonwealth of Puerto Rico*, (2008), [https://www.ams.usda.gov/sites/default/files/media/SCBGP\\_FY%202006%20Puerto%20Rico%20Department%20of%20Agriculture%20-%20%24106%2C053.13.pdf](https://www.ams.usda.gov/sites/default/files/media/SCBGP_FY%202006%20Puerto%20Rico%20Department%20of%20Agriculture%20-%20%24106%2C053.13.pdf); DEPARTMENT OF AGRICULTURE OF THE COMMONWEALTH OF PUERTO RICO, REVISED FINAL REPORT USDA AMS AGREEMENT NUMBER 12-25-B-0915 PROJECTS TO ENHANCE THE COMPETITIVENESS OF PUERTO RICO SPECIALTY CROPS (2012), [https://www.ams.usda.gov/sites/default/files/media/SCBGP\\_FY%202009%20Puerto%20Rico%20Department%20of%20Agriculture%20-%20%24363%2C961.04.pdf](https://www.ams.usda.gov/sites/default/files/media/SCBGP_FY%202009%20Puerto%20Rico%20Department%20of%20Agriculture%20-%20%24363%2C961.04.pdf); DEPARTMENT OF AGRICULTURE OF THE COMMONWEALTH OF PUERTO RICO, REVISED FINAL REPORT USDA AMS AGREEMENT NUMBER 12-25-B-0915 PROJECTS TO ENHANCE THE COMPETITIVENESS OF PUERTO RICO SPECIALTY CROPS (2012), [https://www.ams.usda.gov/sites/default/files/media/SCBGP\\_FY%202009%20Puerto%20Rico%20Department%20of%20Agriculture%20-%20%24363%2C961.04.pdf](https://www.ams.usda.gov/sites/default/files/media/SCBGP_FY%202009%20Puerto%20Rico%20Department%20of%20Agriculture%20-%20%24363%2C961.04.pdf); VANESSA FLORES, FINAL PERFORMANCE REPORT USDA AMS AGREEMENT NUMBER 12-25-B-1220 (2011-FY) DEPARTMENT OF AGRICULTURE OF PR STATE PLAN 2011 PROJECTS TO ENHANCE THE COMPETITIVENESS OF PUERTO RICO SPECIALTY CROPS THROUGH A STATE BUY LOCAL PROMOTION AND MARKETING PLAN FOR LOCAL PRODUCERS, BEST PRACTICES CAPACITY-BUILDING FOR PRODUCERS, FARMERS' MARKET PROMOTION PROJECT AND VARIOUS RECOMMENDED SUB GRANTEE PROJECTS (2015), [https://www.ams.usda.gov/sites/default/files/media/SCBGP\\_FY%202011%20Puerto%20Rico%20Department%20of%20Agriculture%20-%20\\$375,52479.pdf](https://www.ams.usda.gov/sites/default/files/media/SCBGP_FY%202011%20Puerto%20Rico%20Department%20of%20Agriculture%20-%20$375,52479.pdf); MIGUEL SANTIAGO CÓRDOVA, REVISED ANNUAL REPORT AND FINAL PERFORMANCE REPORT SPECIALTY CROPS BLOCK GRANT 2008 FUNDS UNDER AGREEMENT 12-15-B-0849 (2008), [https://www.ams.usda.gov/sites/default/files/media/SCBGP\\_FY%202008%20Puerto%20Rico%20Department%20of%20Agriculture%20-%20%24114%2C894.00.pdf](https://www.ams.usda.gov/sites/default/files/media/SCBGP_FY%202008%20Puerto%20Rico%20Department%20of%20Agriculture%20-%20%24114%2C894.00.pdf); MIGUEL SANTIAGO CÓRDOVA, USDA AMS AGREEMENT NUMBER 12-25-B-0915 2009 REVISED FINAL REPORT PROJECTS TO ENHANCE THE COMPETITIVENESS OF PUERTO RICO SPECIALTY CROPS (2012), [https://www.ams.usda.gov/sites/default/files/media/SCBGP\\_FY%202009%20Puerto%20Rico%20Department%20of%20Agriculture%20-%20%24363%2C961.04.pdf](https://www.ams.usda.gov/sites/default/files/media/SCBGP_FY%202009%20Puerto%20Rico%20Department%20of%20Agriculture%20-%20%24363%2C961.04.pdf); CARLOS VÁZQUEZ, USDA AMS AGREEMENT NUMBER 12-25-B-1060 (2010-FB) FINAL PERFORMANCE REPORT PROJECTS TO ENHANCE THE COMPETITIVENESS OF PUERTO RICO SPECIALTY CROPS THROUGH A STATE BUY LOCAL PROMOTION PLAN AND VARIOUS RECOMMENDED SUB-GRANTEE PROJECTS (2014), [https://www.ams.usda.gov/sites/default/files/media/SCBGP\\_FY%202010%20Puerto%20Rico%20Department%20of%20Agriculture%20-%20%24400%2C09774.pdf](https://www.ams.usda.gov/sites/default/files/media/SCBGP_FY%202010%20Puerto%20Rico%20Department%20of%20Agriculture%20-%20%24400%2C09774.pdf); AURA ALFARO, BANCO DE DESARROLLO ECONÓMICO BUSCA FOMENTAR CREACIÓN DE AGROEMPRESAS; EL BDE PONE SU SEMILLA EN EL AGRO (2008), <https://proxyiub.uits.iu.edu/login?url=https%3A%2F%2Fwww.proquest.com%2Fwire-feeds%2Fbanco-de-desarrollo-economico-busca-fomentar%2Fdocview%2F467024531%2Fse-2%3Faccountid%3D11620>; AURA ALFARO, CREAN NUEVA AGROEMPRESA PORCINA EN COROZAL; NACE AGROEMPRESA PORCINA EN COROZAL (2008), <https://www-proquest-com.proxyiub.uits.iu.edu/docview/466881213/488C9143CD444A7FPQ/1?accountid=11620>; ALFARO, *supra* note 6; AURA ALFARO, ESTÍMULO AL AGRO LOCAL (2008), <https://www-proquest-com.proxyiub.uits.iu.edu/docview/465508608/B533D276AE544F46PQ/1?accountid=11620>; AURA ALFARO, INDUSTRIA AGRÍCOLA PUERTORRIQUEÑA REGISTRA CRÍTICO 2008; GOLPEA EL 2008 A LA INDUSTRIA AGRÍCOLA PUERTORRIQUEÑA (2008), <https://www-proquest-com.proxyiub.uits.iu.edu/docview/466848388/EFD5F4807473495FPQ/1?accountid=11620>; AURA ALFARO, WAL-MART ACUERDA ESTIMULAR SECTOR AGRÍCOLA LOCAL; ESTÍMULO AL AGRO LOCAL (2008); AURA ALFARO, WAL-MART INICIA VENTA DE PRODUCTOS AGRÍCOLAS LOCALES; WAL-MART INICIA VENTA DE FARINÁCEOS DEL PAÍS (2008), <https://www-proquest-com.proxyiub.uits.iu.edu/docview/466867553/41F442B0DABE44B0PQ/1?accountid=11620>; ALFARO, *supra* note 136; AURA ALFARO, WAL-MART EXPANDE ALIANZA CON PRODUCTORES AGRÍCOLAS; WALMART EXPANDE ALIANZA AGRÍCOLA; WAL-MART INICIA VENTA DE CARNE DE CERDO PRODUCIDA EN PUERTO RICO; DEBUTA LA CARNE DE CERDO DEL PAÍS EN WAL-MART (2009), <https://www-proquest-com.proxyiub.uits.iu.edu/docview/466698103/F05CB824E2FE437EPQ/1?accountid=11620>; AURA ALFARO, OJO A

## II. INTERVIEW PROCESS

IRB authorization: <https://iu.kuali.co/protocols/protocols/6001afe9303459003aa923c8>

I sent this script in Spanish to interviewees through email, text message, or WhatsApp message. Greetings. My name is Paola Zaragoza Cardenales; I am a Ph.D. student at Indiana University in Bloomington. I am doing a series of interviews for my thesis that evaluates law 195-206 that creates the agricultural department's the DelPaís brand for agricultural products. I am collecting different perspectives and opinions on the law and how the Department of Agriculture has worked this brand. The interview is entirely voluntary and anonymous. You can answer questions by phone call, email, or video call. I am interested to know you are available. Thank you

I gave the recruited persons a week to respond; if they did not respond, I followed up so I could confirm or discard them and look for other interviewees. After confirming the date, time, and interview type, I would send them the questions along with the information sheet.

### A. INTERVIEW QUESTIONS

Date:

Person:

Position:

Source of information:

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LOS HUEVOS CON SALMONELA (2010), <https://www-proquest-com.proxyiub.uits.iu.edu/docview/466985170/37AAF3B2FA904D68PQ/1?accountid=11620>; DEPARTAMENTO DE AGRICULTURA, VISITANOS EN LA PLACITA EN PLAZA (2018), <https://www.agricultura.pr/post/visitarnos-en-la-placita-en-plaza>; CARLOS ANTONIO OTERO, EMPUJE A LA PRODUCCIÓN LOCAL (2016), <https://issuu.com/vocero.com/docs/v09072016>; COSTA, *supra* note 6; AGROTEMAS, AGROEMPRESARIOS PA' NUEVA YORK (2009), <http://agrotemasonline.blogspot.com/2009/06/agroempresarios-pa-nueva-york.html>; AGROTEMAS, PRESENTAN PRODUCTOS NATIVOS EN CONVENCION (2010), <http://agrotemasonline.blogspot.com/2010/07/presentan-productos-nativos-en.html>; CB STAFF, BUY MORE LOCAL AT SUPERMAX (2020), <https://fliphtml5.com/rwxxp/xnws/basic>; Agrotemas, *Con buen arranque la promoción y participación de agroempresas a través del Departamento de Agricultura y FIDA*, Julio 2017 AGROTEMAS DE PUERTO RICO: DE AHORA, 2017, at 18; Aulett Padilla, *supra* note 6; Dr. Myrna Comas Pagán, *Arroz del pueblo y para el pueblo*, October 2016 AGROTEMAS DE PUERTO RICO: DE AHORA, 2016, at 13; Comas Pagán, *supra* note 6; Asociación de Restaurantes de Puerto Rico, *Crecimiento, Oportunidad y Empleos: Plan de Desarrollo y Continuidad*, (2012), <https://1library.co/document/zgl38vnq-crecimiento-oportunidad-empleos-plan-desarrollo-continuidad.html>.

- 1) What was your involvement in the law that used the mark the DelPaís? Researcher, policymaker, scholar, professor, business owner, or other position. If you were not involved in the law where you were involved in “Cosecha and Crianza”, denomination of origin for products of Puerto Rico or for Puerto Rican Coffee, recognizing honey, fish, and pig as cultural patrimony?
- 2) When was this involvement, specific dates, current, past, or ongoing?
- 3) Do you have knowledge of research for the DelPaís? Did it take inspiration from other laws?
- 4) Do you have any knowledge of the current environment for geographic indications? Are the Government and society willing to use them and see them in a good light?
- 5) What benefit, economic or non-economic, does it do as a stakeholder? For instance, as a farmer or business owner, do you receive training, financial support, exceptions, participate in events?
- 6) Do you know of any laws that support the DelPaís that provide additional protection? Or are there any other laws like the DelPaís?
- 7) What is Government and organization’s role for enforcement, statistics, register of GIs?
- 8) How is the structure of the organization and export strategies?
- 9) How accessible is the information about reports of this law?
- 10) What is your opinion about the DelPaís Law? Is good law, or could it be better?
- 11) Would you be willing to continue contact for any further questions?
- 12) Questions for Egg producers: Are there any logos that existed before the DelPaís Mark, for instance, local eggs using “the DelPaís”? Did other industries that use the mark get authorization, or did they just implement their versions of the DelPaís? Other than focus groups, what other efforts did associations, farmers, and other interested parties do to get the Puerto Rican Congress to take an interest in the DelPaís Mark?
- 13) Questions for Department of Agriculture employees: Are there any reasons the Government

abandoned the Cosecha y Crianza trademark in the Puerto Rico trademark register? Is there any guarantee that intermediaries keep labeling made by farmers, or do they repackage? Are the Agricultural reserves part of the DelPaís Law? Are they available for farmers who are using or interested in using the DelPaís mark so they can have affordable land to start harvest or expand cultivation? Are all family market participant users of the DelPaís Mark? Are there any efforts to encourage that farmers participate in both programs?

14) What happened to: Ley De Denominación De Origen De Cafés De Puerto Rico, Ley Para Reconocer El Lechón Como Patrimonio Cultural, Ley Para Reconocer La Miel Como Patrimonio Cultural, ¿and Ley Para Crear Un Logo Para El Pescado De Puerto Rico?

***B. FOR IRENE CALBOLI***

These questions were formulated specially for Irene Calboli about Geographical Indications.

- 1) What led you to specialize in GIs? What aspect interest you?
- 2) How would trips apply to P.R.? Can a trademark get GI status in PR, the U.S. through TRIPS?
- 3) What would be the perfect foundation for a GI? how do you rescue a GI? specific recommendations. I read about excellent GIs and bad GIs but not one that went from bad to good. In your article you state that evaluating a GIs Economic Impact requires a multi-sectorial approach. Do you consider that the criteria: specific product definition, Collective Organization, supportive Legal-Institutional structure, and Marketing accurately represent this approach?
- 4) Is GIs better implemented if they choose a pilot product? For example, Puerto Rico is known for its coffee and rum; which has better potential to be a GI? I am doing a case study about a law that covers all agricultural products; can you suggest recommendations?
- 5) Puerto Rico follows industrialization by invitation. Will this affect the development of GI for

economic growth? How to deal with some challenges that I have are that: in Puerto Rico, there is limited statistical data, laws like GIs are implemented because they are trendy without knowing what they are and how they operate; Individualistic culture, industrialization by invitation, PROMESA, high volume competitors, unsupportive Government?

- 6) Do you think the Government, an association, or a hybrid should govern a GI?
- 7) Isn't it contradictory that GI permit outsourcing production, ingredients from outside the region, or non-local producers? This can dilute links but violate commerce.
- 8) Do GIs need to be exported to another, or shipped in the same country for legal protection?
- 9) What do you think of the buying local programs? Are they good examples of trademarks, or could they be better? What sort of specific things could they do to make this GI?
- 10) What interesting new techniques have you seen in developing countries in the GI world?
- 11) What are the best or most common practices and mistakes you have seen in GIs? Which are the best GIs and the worst GI you have seen?
- 12) Why is GI not popular? What are the reasons?

### ***C. INFORMATION SHEET***

INDIANA UNIVERSITY STUDY INFORMATION SHEET FOR RESEARCH  
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

About this research: You are being asked to participate in a research study. Scientists research to answer important questions which might help change or improve the way we do things in the future. This form will give you information about the study to help you decide whether you want to participate. Please read this form and ask questions before

agreeing to be in the study.

Taking part in this study is voluntary. You may choose not to take part or may leave the study at any time. Leaving the study will not result in any penalty or loss of benefits to which you are entitled. Your decision whether to participate in this study will not affect your current or future relations with your employer, the Puerto Rican Department of Agriculture, Association of Products of Puerto Rico, University of Puerto Rico, or other institutions.

*This research is intended for individuals 18 years of age or older. If you are under age 18, do not complete the survey. This research is for residents of the United States. If you are not a U.S. resident, do not complete the survey.*

Why is this study being done? This study recommends amendments to the Law to Use the Mark the DelPaís following case studies of successful geographic indications. The study is being conducted by Paola Gabriela Zaragoza Cardenales, a Maurer Law School Indiana University, Bloomington student. It is funded by herself. ‘

You were selected as a participant because you have worked or researched the law’s creation, future amendments, programs related to the law, participated in the programs and/ hearings related to the law.

What will happen during the study? If you agree to be in the study, you will do the following things: Answer all questions by email or to the best of your ability by phone, zoom call, There will be no audio or videotape of the interview; however, I will take notes. Length of the interview is one hour.

What are the risks and benefits of taking part in this study? The risks of participating in this research cannot answer some questions because you do not have that information

available or unknown. If you are uncomfortable with answering questions during the interview, please let me know. We do not expect you to benefit from taking part in this study, but we hope to learn things that help scientists in the future.

How will my information be protected? All research includes at least a small risk of loss of confidentiality. Efforts will be made to keep your personal information confidential. We cannot guarantee absolute confidentiality. Your personal information may be disclosed if required by law. Your identity will be confidential in reports and databases in which results may be stored. My dissertation professor, if needed, and I will have access to the interview notes.

Organizations may inspect and/or copy research records for quality assurance and data analysis from the study investigator and research associates, the Indiana University Institutional Review Board or its designees, the study sponsor, and any state or federal agencies who may need to access your research records. (as allowed by law).

Will I be paid for participation? You will not be paid for participating in this study. Whom should I call with questions or problems? For questions about the study, contact the researcher Paola Gabriela Zaragoza Cardenas at 787-645-4544 or [pzaragoz@iu.edu](mailto:pzaragoz@iu.edu). For questions about your rights as a research participant or to discuss problems, complaints, or concerns about a research study, obtain information, or offer input, please contact the IU Human Subjects Office at 800-696-2949 [irb@iu.edu](mailto:irb@iu.edu)

### **BIBLIOGRAPHY**

Abladmin, *America's Beer, Wine & Spirits Retailers Create 2.03 million Jobs & \$122.63 Billion in Direct Economic Impact – American Beverage Licensees* (date).  
<https://ablusa.org/Américas-beer-wine-spirits-retailers-create-2-03-million-jobs-122-63->

billion-in-direct-economic-impact/ (last visited Mar 29, 2021).

Acevedo Vilá, Hon Aníbal, *Plan de Desarrollo Económico y Transformación de Gobierno para Puerto Rico* (2006), <http://reformagubernamental.uprrp.edu/CAOD2JGL.pdf>.

Agarwal, Sanjeev & Barone, Michael, *Emerging Issues for Geographical Indication Branding Strategies*, 5 MATRIC Research Papers (2005),

[https://lib.dr.iastate.edu/cgi/viewcontent.cgi?article=1007&context=matric\\_researchpapers](https://lib.dr.iastate.edu/cgi/viewcontent.cgi?article=1007&context=matric_researchpapers).

Agrotemas, *Agroempresarios pa' Nueva York* (2009),

<http://agrotemasonline.blogspot.com/2009/06/agroempresarios-pa-nueva-york.html>.

Agrotemas, *Presentan productos nativos en convención* (2010),

<http://agrotemasonline.blogspot.com/2010/07/presentan-productos-nativos-en.html>.

Agrotemas, *Iniciativa de Mercados Familiares se acerca a los \$40 millones en ventas*, mayo

2016 AGROTEMAS DE PUERTO RICO: DE AHORA, 2016, at 7,

[https://issuu.com/luisa.curbelordrodriguez/docs/agrotemas\\_mayo\\_2016](https://issuu.com/luisa.curbelordrodriguez/docs/agrotemas_mayo_2016).

Agrotemas, *Con buen arranque la promoción y participación de agroempresas a través del*

*Departamento de Agricultura y FIDA*, Julio 2017 AGROTEMAS DE PUERTO RICO: DE AHORA,

2017, at 18, [https://issuu.com/luisa.curbelordrodriguez/docs/agrotemas\\_julio\\_2017](https://issuu.com/luisa.curbelordrodriguez/docs/agrotemas_julio_2017).

Alamo González, Carmen, *Marketing Analysis: An Action Plan for Puerto Rico Coffee*

*Producers* (2007),

[https://issuu.com/bibliotecaeea/docs/manual\\_para\\_la\\_produccion\\_y\\_exporta](https://issuu.com/bibliotecaeea/docs/manual_para_la_produccion_y_exporta).

Alamo González, Carmen, *Indicaciones Geográficas y la Diferenciación del Café por País de*

*Origen*, AGROTEMAS DE PUERTO RICO: DE AHORA, 2016, at 16–17,

[https://issuu.com/luisa.curbelordrodriguez/docs/agrotemas\\_feb\\_2016](https://issuu.com/luisa.curbelordrodriguez/docs/agrotemas_feb_2016).

Alamo González, Carmen, *Análisis de los Costos y Beneficios del Establecimiento y*

*Producción y Mercado del Café en Puerto Rico Usando Presupuestos Modelo*, 2020, (Departamento de Economía Agrícola y Sociología Rural, Estación Experimental Agrícola (EEA), Colegio de Ciencias Agrícolas (CCA), Recinto Universitario de Mayagüez (RUM), Authorized to cite and use by Carmen Alamo, Unpublished Paper).

Alfaro, Aura & de Desarrollo, Banco. *Económico busca fomentar creación de agroempresas; El BDE pone su semilla en el agro* (2008),

<https://proxyiub.uits.iu.edu/login?qurl=https%3A%2F%2Fwww.proquest.com%2Fwire-feeds%2Fbanco-de-desarrollo-economico-busca-fomentar%2Fdocview%2F467024531%2Fse-2%3Faccountid%3D11620>.

Alfaro, Aura. *Crean nueva agroempresa porcina en Corozal; Nace agroempresa porcina en Corozal* (2008), [https://www-proquest-](https://www-proquest-com.proxyiub.uits.iu.edu/docview/466881213/488C9143CD444A7FPQ/1?accountid=11620)

[com.proxyiub.uits.iu.edu/docview/466881213/488C9143CD444A7FPQ/1?accountid=11620](https://www-proquest-com.proxyiub.uits.iu.edu/docview/466881213/488C9143CD444A7FPQ/1?accountid=11620).

Alfaro, Aura. *Departamento de Agricultura exportará marca de flan nacional a EE. UU;*

*Agricultura exportará nuevo flan the DelPaís* (2008), [https://www-proquest-](https://www-proquest-com.proxyiub.uits.iu.edu/docview/466977313/6ED929B202864E8DPQ/1?accountid=11620)

[com.proxyiub.uits.iu.edu/docview/466977313/6ED929B202864E8DPQ/1?accountid=11620](https://www-proquest-com.proxyiub.uits.iu.edu/docview/466977313/6ED929B202864E8DPQ/1?accountid=11620).

Alfaro, Aura, *Estímulo al agro local* (2008), [https://www-proquest-](https://www-proquest-com.proxyiub.uits.iu.edu/docview/465508608/B533D276AE544F46PQ/1?accountid=11620)

[com.proxyiub.uits.iu.edu/docview/465508608/B533D276AE544F46PQ/1?accountid=11620](https://www-proquest-com.proxyiub.uits.iu.edu/docview/465508608/B533D276AE544F46PQ/1?accountid=11620).

Alfaro, Aura, *Industria agrícola puertorriqueña registran crítico 2008; Golpea el 2008 a la industria agrícola puertorriqueña* (2008), [https://www-proquest-](https://www-proquest-com.proxyiub.uits.iu.edu/docview/466848388/EFD5F4807473495FPQ/1?accountid=11620)

[com.proxyiub.uits.iu.edu/docview/466848388/EFD5F4807473495FPQ/1?accountid=11620](https://www-proquest-com.proxyiub.uits.iu.edu/docview/466848388/EFD5F4807473495FPQ/1?accountid=11620).

Alfaro, Aura, *Wal-Mart acuerda estimular sector agrícola local; Estímulo al agro local*

(2008). [https://infoweb-newsbank-](https://infoweb-newsbank-com.proxyiub.uits.iu.edu/apps/news/openurl?ctx_ver=z39.88-)

[com.proxyiub.uits.iu.edu/apps/news/openurl?ctx\\_ver=z39.88-](https://infoweb-newsbank-com.proxyiub.uits.iu.edu/apps/news/openurl?ctx_ver=z39.88-)

2004&rft\_id=info%3Asid/infoweb.newsbank.com&svc\_dat=WORLDNEWS&req\_dat=A5F746E42B5E44878171AB0CD69B85EB&rft\_val\_format=info%3Aofi/fmt%3Akev%3Amtx%3Actx&rft\_dat=document\_id%3Anews%252F135C3F95DBE06DC8

Alfaro, Aura, *Wal-Mart inicia venta de productos agrícolas locales; Wal-Mart inicia venta de farináceos del País* (2008), [https://www-proquest-](https://www-proquest-com.proxyiub.uits.iu.edu/docview/466867553/41F442B0DABE44B0PQ/1?accountid=11620)

[com.proxyiub.uits.iu.edu/docview/466867553/41F442B0DABE44B0PQ/1?accountid=11620](https://www-proquest-com.proxyiub.uits.iu.edu/docview/466867553/41F442B0DABE44B0PQ/1?accountid=11620).

Alfaro, Aura, *Huevo importado golpean al boricua* (2009), [https://www-proquest-](https://www-proquest-com.proxyiub.uits.iu.edu/docview/466773035/DF5E82B5056D40A3PQ/1?accountid=11620)

[com.proxyiub.uits.iu.edu/docview/466773035/DF5E82B5056D40A3PQ/1?accountid=11620](https://www-proquest-com.proxyiub.uits.iu.edu/docview/466773035/DF5E82B5056D40A3PQ/1?accountid=11620).

Alfaro, Aura, *Wal-Mart expande alianza con productores agrícolas; Walmart expande alianza agrícola; Wal-Mart inicia venta de carne de cerdo producida en Puerto Rico; Debuta la carne de cerdo del País en Wal-Mart* (2009), [https://www-proquest-](https://www-proquest-com.proxyiub.uits.iu.edu/docview/466698103/F05CB824E2FE437EPQ/1?accountid=11620)

[com.proxyiub.uits.iu.edu/docview/466698103/F05CB824E2FE437EPQ/1?accountid=11620](https://www-proquest-com.proxyiub.uits.iu.edu/docview/466698103/F05CB824E2FE437EPQ/1?accountid=11620).

Alfaro, Aura, *Ojo a los huevos con salmonela* (2010), [https://www-proquest-](https://www-proquest-com.proxyiub.uits.iu.edu/docview/466985170/37AAF3B2FA904D68PQ/1?accountid=11620)

[com.proxyiub.uits.iu.edu/docview/466985170/37AAF3B2FA904D68PQ/1?accountid=11620](https://www-proquest-com.proxyiub.uits.iu.edu/docview/466985170/37AAF3B2FA904D68PQ/1?accountid=11620).

Allaire, Gilles, *Activity Report (2005-2008) Policy recommendations for EU 33*.

ALLAIRE, GILLES, CASABIANCA, FRANÇOIS & THEVENOD-MOTTET, ERIK, *Geographical*

*Origin: A Complex Feature of Agro-Food Products*, in LABELS OF ORIGIN FOR FOOD: LOCAL

DEVELOPMENT, GLOBAL RECOGNITION (2011),

<https://www.cabi.org/cabebooks/ebook/20113165522>.

Allaire, Gilles et al., *Linking People, Places and Products: A guide for promoting Quality*

*Linked to Geographical Origin and Sustainable Geographical Indication* (Food and

Agriculture Organization of the United Nations 2 ed. 2010),

<http://www.fao.org/3/i1760e/i1760e00.pdf>.

*How the Rums of Puerto Rico Program Works: An Interview with Director Alexandra Salgado*, AMERICAN RUN REPORT (2019), <https://www.americanrumreport.com/blog/rums-of-puerto-rico>.

Anglen, Robert, “*Buy local*” food programs deceive consumers and are rarely enforced, a *USA TODAY Network investigation finds* (2018),

<https://www.azcentral.com/story/news/local/arizona-investigations/2018/03/13/buy-local-made-food-labels-programs-deceive-consumers-rarely-enforced-usa-today-network-finds/389155002/>.

Antonio Otero, Carlos. *Empuje a la Producción local* (2016),

<https://issuu.com/vocero.com/docs/v09072016>.

ARFINI, FILIPPO, ALBISU, LUIS MIGUEL & GIACOMINI, CORRADO, *Current Situation and Potential Development of Geographical Indications in Europe*, in CURRENT SITUATION AND POTENTIAL DEVELOPMENT OF GEOGRAPHICAL INDICATIONS IN EUROPE (2011),

<http://ebookcentral.proquest.com/lib/iub-ebooks/detail.action?docID=740102>.

Asociación de Restaurantes de Puerto Rico, *Crecimiento, Oportunidad y Empleos: Plan de Desarrollo y Continuidad* (2012), <https://1library.co/document/zgl38vnq-crecimiento-oportunidad-empleos-plan-desarrollo-continuidad.html>.

Assmann, Stephanie, *Coffee Life in Japan*. 72 THE JOURNAL OF ASIAN STUDIES (2013),

<https://www.cambridge.org/core/article/coffee-life-in-japan-by-merry-white-berkeley-university-of-california-press-2012-222-pp-6000-cloth-2495-paper/E279D8186289CB0DE9DA49DB57459E5D>.

A T Kearney, *Puerto Rico 2025: PHASE 3 – Strategic Prioritization Detailed Methodology and Results* (2004),

[http://gis.jp.pr.gov/Externo\\_Econ/Programa%20de%20Planificaci%C3%B3n%20Econ%C3%B3mica%20y%20Social/2004.05-PR\\_2025\\_Estrategias\\_\(May-2004\).pdf](http://gis.jp.pr.gov/Externo_Econ/Programa%20de%20Planificaci%C3%B3n%20Econ%C3%B3mica%20y%20Social/2004.05-PR_2025_Estrategias_(May-2004).pdf).

AT Kearney Management Consultants, *Project Assessment: Current Status of the Economic, Social, Environmental and Infrastructure Development in Puerto Rico* (2003),

[http://gis.jp.pr.gov/Externo\\_Econ/Programa%20de%20Planificaci%C3%B3n%20Econ%C3%B3mica%20y%20Social/2003.12-PR\\_2025\\_Diagnostico\\_\(Dic-2003\).pdf](http://gis.jp.pr.gov/Externo_Econ/Programa%20de%20Planificaci%C3%B3n%20Econ%C3%B3mica%20y%20Social/2003.12-PR_2025_Diagnostico_(Dic-2003).pdf).

AT Kearney Management Consultants, *Phase 3: Strategic Prioritization Detailed Methodology and Results* (2004),

[http://gis.jp.pr.gov/Externo\\_Econ/Programa%20de%20Planificaci%C3%B3n%20Econ%C3%B3mica%20y%20Social/2004.05-PR\\_2025\\_Estrategias\\_\(May-2004\).pdf](http://gis.jp.pr.gov/Externo_Econ/Programa%20de%20Planificaci%C3%B3n%20Econ%C3%B3mica%20y%20Social/2004.05-PR_2025_Estrategias_(May-2004).pdf).

AUBARD, AUDREY, *Setting Up a GI: Requirements and Difficulties at the Producer Level*, in

EXTENDING THE PROTECTION OF GEOGRAPHICAL INDICATIONS: CASE STUDIES OF

AGRICULTURAL PRODUCTS IN AFRICA 35 (2011), <http://ebookcentral.proquest.com/lib/iub-ebooks/detail.action?docID=113538>.

Aulett Padilla, Saritza, *Logros: FIDA*, AGROTEMAS DE PUERTO RICO: DE AHORA, 2015,

[https://issuu.com/luisa.curbeloroedrodriguez/docs/agrotemas\\_dic\\_2015\\_\\_](https://issuu.com/luisa.curbeloroedrodriguez/docs/agrotemas_dic_2015__).

Aulett Padilla, Saritza, *Final Performance Report USDA AMS Agreement Number 12-25-B-1453 (2012-FY) Puerto Rico Department of Agriculture State Plan 2012 Projects to Enhance the Competitiveness of Puerto Rico Specialty Crops Through A State Buy Local Promotion And Marketing Plan For Local Producers, Best Practices Capacity-Building For Producers, And Various Recommended Sub-Grantee Projects* (2016),

[https://www.ams.usda.gov/sites/default/files/media/PR12\\_SCBGP\\_FinalReport\\_5-20-16.pdf](https://www.ams.usda.gov/sites/default/files/media/PR12_SCBGP_FinalReport_5-20-16.pdf).

Aulett Padilla, Saritza, *Projects to Enhance the Competitiveness of Puerto Rico Specialty*

*Crops through Buy Local Promotional Advertising Program Under a Branded Identity Project; Market Access Plan for Local Coffee Producers; Best Practices Capacity-Building for Local Producers; School Market Access & Capacity Building for Green Vegetable Producers, and Various Recommended Sub-Grantee Projects* (2017),

<https://www.ams.usda.gov/sites/default/files/media/PR13SCBGPFinalReport.pdf>.

Aulett Padilla, Saritza & Alvarez, Carlos, *Final Report 2006 Funds Specialty Crop Block Grant Co-sponsored by Integral Fund for Agricultural Development, Department of Agriculture of the Commonwealth of Puerto Rico* (2008),

[https://www.ams.usda.gov/sites/default/files/media/SCBGP\\_FY%202006%20Puerto%20Rico%20Department%20of%20Agriculture%20-%20%24106%2C053.13.pdf](https://www.ams.usda.gov/sites/default/files/media/SCBGP_FY%202006%20Puerto%20Rico%20Department%20of%20Agriculture%20-%20%24106%2C053.13.pdf).

Avilés-Vázquez, Katia Raquel, *Farming and Resistance: Survival Strategies of Smallholder Farmers in Puerto Rico* (2014) (PhD dissertation, University of Texas),

<http://hdl.handle.net/2152/34046>.

Babcock, Bruce A & Clemens, Roxanne, *Geographical Indications and Property Rights: Protecting Value-Added Agricultural Products*, 4 IOWA AG REVIEW 51 (2004),

<https://www.card.iastate.edu/products/publications/pdf/04mbp7.pdf>.

Baer, Werner, *Puerto Rico: An Evaluation of a Successful Development Program*, 73 THE QUARTERLY JOURNAL OF ECONOMICS 645 (1959), <https://academic.oup.com/qje/article-lookup/doi/10.2307/1884309> (last visited Aug 6, 2020).

Baguissa Diallo, Aliou, *Evaluation of the Economic Impact of Geographical Indications: Three Case Studies*. (May 2017), <https://tel.archives-ouvertes.fr/tel-02061549>.

Balford, Henry, *Blue Mountain Coffee Re-Emerging in the Global Market*, JAMAICA OBSERVER (2020), [http://www.jamaicaobserver.com/latestnews/blue\\_mountain\\_coffee\\_re-](http://www.jamaicaobserver.com/latestnews/blue_mountain_coffee_re-)

emerging\_in\_the\_global\_market.

Ballesteros García, Stalin & Bulla de la Hoz, Jorge, *Incidencia de la Propiedad Intelectual en el Desarrollo Nacional y Empresarial en el Contexto de Globalización Actual (Impact of Intellectual Property in National and Business Development Under the Context of the Current Globalization)*, Jul-Dic 2016 REVISTA LA PROPIEDAD INMATERIAL 5 (2016), <https://search-ebscohost-com.proxyiub.uits.iu.edu/login.aspx?direct=true&db=fua&AN=121527036&site=eds-live&scope=site> (last visited Feb 24, 2020).

BARHAM, ELIZABETH, BERTIL, SYLVANDER & CERDAN, CLAIRE, *Introduction*, in LABELS OF ORIGIN FOR FOOD: LOCAL DEVELOPMENT, GLOBAL RECOGNITION (2011), <http://ebookcentral.proquest.com/lib/iub-ebooks/detail.action?docID=74010>.

BARHAM, ELIZABETH, BINGEN, JIM & HINRICHS, CLARE, *Geographical Indications in the USA*, in LABELS OF ORIGIN FOR FOOD: LOCAL DEVELOPMENT, GLOBAL RECOGNITION (2011), <https://ebookcentral.proquest.com/lib/iub-ebooks/detail.action?docID=740102#>.

Barjolle, Dominique et al., *The Role of the State for Geographical Indications of Coffee: Case Studies from Colombia and Kenya*, 98 WORLD DEVELOPMENT 105–119 (2017), <https://linkinghub.elsevier.com/retrieve/pii/S0305750X16305605> (last visited Mar 29, 2020).

BARJOLLE, DOMINIQUE, SYVANDER, BERTIL & THÉVENOD-MOTTET, ERIK, *Public Policies and Geographical Indications*, in LABELS OF ORIGIN FOR FOOD: LOCAL DEVELOPMENT, GLOBAL RECOGNITION (2011).

Barrios, Jaime Olivieri, Medina, Katiria Figueroa & Soto, Maribel Ortiz, *Estrategias de Mercadeo Utilizadas por Empresas Sociales Establecidas Puerto Rico*, 2 ICSB WORLD CONFERENCE PROCEEDINGS 0\_1,1-26 (2013),

<https://proxyiub.uits.iu.edu/login?qurl=https%3A%2F%2Fwww.proquest.com%2Fconference-papers-proceedings%2Festrategias-de-mercadeo-utilizadas-por-empresas%2Fdocview%2F1617794927%2Fse-2%3Faccountid%3D11620>.

Beaumont, John & Fukunaga, Edward, *Factors Affecting the Growth and Yield of Coffee in Kona, Hawaii Factors Affecting Growth and Yield of Coffee in Kona*, 113 HAWAII AGRICULTURAL EXPERIMENT STATION 40 (1958),

<https://core.ac.uk/download/pdf/5104783.pdf>.

BELLETTI, GIOVANNI & MARESCOTTI, ANDREA. *Origin Products, Geographical Indications and Rural Development*, in LABELS OF ORIGIN FOR FOOD: LOCAL DEVELOPMENT, GLOBAL RECOGNITION (2011).

Belletti, Giovanni & Marescotti, Andrea. *Evaluating GI registration effects by means of participatory methods. First insights from a Jamaican case* (2013),

[http://www.bioculturaldiversityandterritory.org/documenti/145\\_300000176\\_giovanni\\_belletti\\_esrs\\_congress\\_1.pdf](http://www.bioculturaldiversityandterritory.org/documenti/145_300000176_giovanni_belletti_esrs_congress_1.pdf).

Belletti, Giovanni et al., *Specific Targeted Research or Innovation Project: 8.1 Policy-Oriented Research (SSP): GI Strategies and Policy Recommendations. D12 – GI Strategies and policy recommendations* (2008), <https://prodinra.inra.fr/record/40742>.

Belletti, Giovanni, Brazzini, Alessandro & Marescotti, Andrea, *Collective Rules and the Use of Protected Geographical Indications by Firms*, 1 INTERNATIONAL AGRICULTURAL POLICY 7 (2014),

[https://www.researchgate.net/publication/280520748\\_Collective\\_rules\\_and\\_the\\_use\\_of\\_protected\\_geographical\\_indications\\_by\\_firms](https://www.researchgate.net/publication/280520748_Collective_rules_and_the_use_of_protected_geographical_indications_by_firms).

Belletti, Giovanni et al., *The Effects of Protecting Geographical Indications: Ways and Means*

*of their Evaluation* (2011),

[https://www.ige.ch/fileadmin/user\\_upload/dienstleistungen/publikationen\\_institut/publication\\_no\\_7\\_2nd\\_ed\\_Effects-of-Protecting-Geographical-Indications.pdf](https://www.ige.ch/fileadmin/user_upload/dienstleistungen/publikationen_institut/publication_no_7_2nd_ed_Effects-of-Protecting-Geographical-Indications.pdf).

Ben Mald Corp, *Cinderella Poultry Farms* (2020), <https://cinderellapoultry.com>.

Colmena 66, *About Us*, COLMENA 66 (2020),

<https://www.colmena66.com/es/conozcanos/conozcanos>.

Benni, Nadja El & Reviron, Sophie, *Geographical Indications: Review of Seven Case-Studies*

*Worldwide*, NCCR TRADE REGULATION: SWISS NATIONAL CENTRE OF COMPETENCE IN

RESEARCH, WORKING PAPER No.15, (2009),

[https://www.researchgate.net/publication/265618582\\_Geographical\\_Indications\\_review\\_of\\_seven\\_case-studies\\_world\\_wide](https://www.researchgate.net/publication/265618582_Geographical_Indications_review_of_seven_case-studies_world_wide).

BERRIOS MARTÍNEZ, RUBÉN, GARCÍA, FERNANDO MARTIN & OLIVERAS, FRANCISCO CATALÁ,

PUERTO RICO NACIÓN INDEPENDIENTE: IMPERATIVO DEL SIGLO XXI (2010).

Betancourt, María Camila Rico & Bohórquez, Daniela Andrea Rodríguez, *Impacto Social y*

*Marco Legal de las Denominaciones de Origen en Colombia* (2015),

[https://repository.unimilitar.edu.co/bitstream/handle/10654/7076/IMPACTO%20SOCIAL%20Y%20MARCO%20LEGAL%20DE%20LAS%20DENOMINACIONES%20DE%20ORIGEN%20EN%20COLOMBIA-](https://repository.unimilitar.edu.co/bitstream/handle/10654/7076/IMPACTO%20SOCIAL%20Y%20MARCO%20LEGAL%20DE%20LAS%20DENOMINACIONES%20DE%20ORIGEN%20EN%20COLOMBIA-2.pdf;jsessionid=3AB52C629212005C678EB417A1173324?sequence=1)

[2.pdf;jsessionid=3AB52C629212005C678EB417A1173324?sequence=1](https://repository.unimilitar.edu.co/bitstream/handle/10654/7076/IMPACTO%20SOCIAL%20Y%20MARCO%20LEGAL%20DE%20LAS%20DENOMINACIONES%20DE%20ORIGEN%20EN%20COLOMBIA-2.pdf;jsessionid=3AB52C629212005C678EB417A1173324?sequence=1).

[2.pdf;jsessionid=3AB52C629212005C678EB417A1173324?sequence=1](https://repository.unimilitar.edu.co/bitstream/handle/10654/7076/IMPACTO%20SOCIAL%20Y%20MARCO%20LEGAL%20DE%20LAS%20DENOMINACIONES%20DE%20ORIGEN%20EN%20COLOMBIA-2.pdf;jsessionid=3AB52C629212005C678EB417A1173324?sequence=1).

[2.pdf;jsessionid=3AB52C629212005C678EB417A1173324?sequence=1](https://repository.unimilitar.edu.co/bitstream/handle/10654/7076/IMPACTO%20SOCIAL%20Y%20MARCO%20LEGAL%20DE%20LAS%20DENOMINACIONES%20DE%20ORIGEN%20EN%20COLOMBIA-2.pdf;jsessionid=3AB52C629212005C678EB417A1173324?sequence=1).

Bimbo, Francesco, *Do Geographic Indication Labels Pay off? Estimating GIs' Implicit Price*

*Dispersion in the Italian EVOO Market.*, 2018 Annual Meeting, August 5-7, Washington, D.C

274203, AGRICULTURAL AND APPLIED ECONOMICS ASSOCIATION (2018),

<https://ideas.repec.org/p/ags/aea18/274203.html>.

Birthwright, Anne-Teresa, *Double Exposure and Coffee Farming: A Case Study of The Vulnerability and Livelihood Experiences Among Small Farmers in Frankfield, Jamaica*, 20 CARIBBEAN GEOGRAPHY 41 (2015), [https://www.researchgate.net/publication/305777085\\_Double\\_exposure\\_and\\_coffee\\_farming\\_A\\_case\\_study\\_of\\_the\\_vulnerability\\_and\\_livelihood\\_experiences\\_among\\_small\\_farmers\\_in\\_Frankfield\\_Jamaica](https://www.researchgate.net/publication/305777085_Double_exposure_and_coffee_farming_A_case_study_of_the_vulnerability_and_livelihood_experiences_among_small_farmers_in_Frankfield_Jamaica).

BLAKENEY, MICHAEL & MENGISTIE, GETACHEW, *Geographical Indications and Economic Development*, in EXTENDING THE PROTECTION OF GEOGRAPHICAL INDICATIONS: CASE STUDIES OF AGRICULTURAL PRODUCTS IN AFRICA (2011), <http://ebookcentral.proquest.com/lib/iub-ebooks/detail.action?docID=1135382>.

Blanco Santiago, Yanis Rosana, *La Protección de las Indicaciones Geográficas en el Comercio Internacional: Recepción y Efectividad en el Ordenamiento Jurídico Puertorriqueño*, (2015), <https://eprints.ucm.es/43210/>.

Blue Mountain Coffee Jamaica, *Importer and Representative of Jamaican Blue Mountain® Coffee in Europe*, BLUE MOUNTAIN COFFEE JAMACAICA (2020), <https://www.bluemountaincoffeejamaica.com/>.

Blue Mountain Coffee Group LTD, *How Coffee is Cultivated*, BLUE MOUNTAIN COFFEE GROUP LTD (2021), <https://www.bluemountaincoffee.com/about-us/cultivated>.

Bowen, Sarah, *Geographical Indications: Promoting Local Products in a Global Market* (2008) (Ph.D dissertation, University of Wisconsin-Madison), <https://www.semanticscholar.org/paper/Geographical-indications-%3A-promoting-local-products-Bowen/ef5a300160664badcee9450a05fa52d212a905f8#citing-papers>.

BOWEN, SARAH, DIVIDED SPIRITS: TEQUILA, MEZCAL, AND THE POLITICS OF PRODUCTION

(2015), <http://ebookcentral.proquest.com/lib/iub-ebooks/detail.action?docID=2025587>.

Bowen, Sarah & Gaytan, Marie, *The Paradox of Protection: National Identity, Global Commodity Chains, and the Tequila Industry*, 59 SOCIAL PROBLEMS 70–93 (2012), [https://www.researchgate.net/publication/259732856\\_The\\_Paradox\\_of\\_Protection\\_National\\_Identity\\_Global\\_Commodity\\_Chains\\_and\\_the\\_Tequila\\_Industry](https://www.researchgate.net/publication/259732856_The_Paradox_of_Protection_National_Identity_Global_Commodity_Chains_and_the_Tequila_Industry).

Bowen, Sarah & Zapata, Ana Valenzuela, *Geographical Indications, Terroir, And Socioeconomic and Ecological Sustainability: The Case of Tequila*, 25 JOURNAL OF RURAL STUDIES 108 (2009), <https://linkinghub.elsevier.com/retrieve/pii/S0743016708000454> (last visited Apr 11, 2020).

BRAGA, CARLOS PRIMO, CARTEN, FINK & SEPÚLVEDA, CLAUDIA PAZ, INTELLECTUAL PROPERTY RIGHTS AND ECONOMIC DEVELOPMENT (2000), [https://www.researchgate.net/publication/5077786\\_Intellectual\\_Property\\_Rights\\_and\\_Economic\\_Development](https://www.researchgate.net/publication/5077786_Intellectual_Property_Rights_and_Economic_Development).

Bramley, Cerkia, Biénabe, Estelle & Kirsten, Johann, *The Economics of Geographical Indications: Towards a Conceptual Framework for Geographical Indication Research in Developing Countries* (2009), [https://www.wipo.int/edocs/pubdocs/en/wipo\\_pub\\_1012-chapter4.pdf](https://www.wipo.int/edocs/pubdocs/en/wipo_pub_1012-chapter4.pdf).

Bramley, Cerkia & Bienabet, Estelle, *Developments and Considerations Around Geographical Indications in the Developing World*, 2 QUEEN MARY J. INTELL. PROP. 14 (2012), [https://www.researchgate.net/publication/282811102\\_Developments\\_and\\_considerations\\_around\\_geographical\\_indications\\_in\\_the\\_developing\\_world](https://www.researchgate.net/publication/282811102_Developments_and_considerations_around_geographical_indications_in_the_developing_world).

Brand of Holding, Inc., *Brands of Puerto Rico*, BRANDS OF PUERTO RICO SHOP (2020), <https://brandsofpuertorico.com/en/brands/>.

Brooks, Mary, *The Jones Act Under NAFTA and Its Effects on the Canadian Shipbuilding Industry* (2006),

[https://www.researchgate.net/publication/228390627\\_The\\_Jones\\_Act\\_Under\\_NAFTA\\_and\\_Its\\_Effects\\_on\\_the\\_Canadian\\_Shipbuilding\\_Industry](https://www.researchgate.net/publication/228390627_The_Jones_Act_Under_NAFTA_and_Its_Effects_on_the_Canadian_Shipbuilding_Industry).

Cabrera, Jorge, *Innovation and Public Research in Central American Countries*, in INTELLECTUAL PROPERTY AND SUSTAINABLE DEVELOPMENT: DEVELOPMENT AGENDAS IN A CHANGING WORLD (2009), <https://www.e-elgar.com/shop/gbp/intellectual-property-and-sustainable-development-9781849802772.html>.

Cadogan, Marsha Simone, *Geographical Indications and Development in the Third World: Towards a Strategic Approach of Intellectual Property Rights in Jamaica - The Case of Blue Mountain Coffee* (2016), <http://digitalcommons.osgoode.yorku.ca/phd/29>.

Cadogan, Marsha Simone, *Making Agricultural and Food-based Geographical Indications Work in Canada*, Policy Brief No. 125 CENTER FOR INTERNATIONAL GOVERNANCE INNOVATION (2018), <http://www.jstor.com/stable/resrep17315>.

Calboli, Irene, *In Territorio Veritas: Bringing Geographical Coherence in the Definition of Geographical Indications of Origin under TRIPs*, 6 WIPO JOURNAL 57 (2014), [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2696882](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2696882).

Calboli, Irene, *Time to Say Local Cheese and Smile at Geographical Indications of Origin? International Trade and Local Development in the United States*, 53 HOUSTON LAW REVIEW 48 (2015), <https://houstonlawreview.org/article/3942-time-to-say-local-cheese-and-smile-at-geographical-indications-of-origin-international-trade-and-local-development-in-the-united-states>.

Calboli, Irene, *Geographical Indications of Origin at the Crossroads of Local Development*,

*Consumer Protection and Marketing Strategies*, 46 IIC - INTERNATIONAL REVIEW OF INTELLECTUAL PROPERTY AND COMPETITION LAW 760 (2015),

<http://link.springer.com/10.1007/s40319-015-0394-0> (last visited Jun 23, 2020).

CALBOLI, IRENE, *Of Markets, Culture, and Terroir: The Unique Economic and Culture-Related Benefits of Geographical Indications of Origin*, in RESEARCH HANDBOOK ON INTERNATIONAL INTELLECTUAL PROPERTY 433–464 (2015),

[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2329566](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2329566).

CALBOLI, IRENE, *Geographical Indications between Trade, Development, Culture and Marketing: Framing a Fair(er) System of Protection in the Global Economy*, in

GEOGRAPHICAL INDICATIONS AT THE CROSSROADS OF TRADE, DEVELOPMENT, AND CULTURE (2017), [https://www.cambridge.org/gb/academic/subjects/law/intellectual-](https://www.cambridge.org/gb/academic/subjects/law/intellectual-property/geographical-indications-crossroads-trade-development-and-culture-focus-asia-pacific?format=HB#LX5hiK9JGI0jtWKj.97)

[property/geographical-indications-crossroads-trade-development-and-culture-focus-asia-pacific?format=HB#LX5hiK9JGI0jtWKj.97](https://www.cambridge.org/gb/academic/subjects/law/intellectual-property/geographical-indications-crossroads-trade-development-and-culture-focus-asia-pacific?format=HB#LX5hiK9JGI0jtWKj.97).

Calboli, Irene, *Expanding the Protection of Geographical Indications of Origin Under Trips: Old Debate or New Opportunity?* 10 MARQUETTE INTELLECTUAL PROPERTY LAW REVIEW,

181 (2006), Marquette Law School Legal Studies Paper No. 06-19, Available at SSRN:

<https://ssrn.com/abstract=893193> 25.

CALBOLI, IRENE & GERVAIS, DANIEL J, *Socio-Economic Aspects of Geographical Indications*, in WORLDWIDE SYMPOSIUM ON GEOGRAPHICAL INDICATIONS, BUDAPEST 39 (2015),

[https://works.bepress.com/irene\\_calboli/113/](https://works.bepress.com/irene_calboli/113/).

Calboli, Irene & Loon, Ng-Loy Wee, *Geographical Indications at the Crossroads of Trade, Development, and Culture* 572. Complete?

Calboli, Irene & Marie-Vivien, Delphine, *One Size Does Not Fit All: The Roles of the State*

*and the Private Sector in the Governing Framework of Geographical Indications*, in THE CAMBRIDGE HANDBOOK OF PUBLIC-PRIVATE PARTNERSHIPS, INTELLECTUAL PROPERTY GOVERNANCE, AND SUSTAINABLE DEVELOPMENT 308–330 (2018),

[https://www.cambridge.org/core/product/identifier/9781316809587%23CN-bp-14/type/book\\_part](https://www.cambridge.org/core/product/identifier/9781316809587%23CN-bp-14/type/book_part) (last visited Aug 12, 2020).

Campbell, Donovan & Beckford, Clinton, *Negotiating Uncertainty: Jamaican Small Farmers' Adaptation and Coping Strategies, Before and After Hurricanes—A Case Study of Hurricane Dean*, 1 SUSTAINABILITY 1366–1387 (2009), <http://www.mdpi.com/2071-1050/1/4/1366> (last visited Feb 9, 2021).

Carro-Figueroa, Vivian, *Agricultural Decline and Food Import Dependency in Puerto Rico: A Historical Perspective on the Outcomes of Postwar Farm and Food Policies*, 30 INSTITUTE OF CARIBBEAN STUDIES 77 (2002), [www.jstor.org/stable/25613372](http://www.jstor.org/stable/25613372).

Cartagena-Romero, Nicolás, *Gustos y preferencias de los consumidores de carne de res de Puerto Rico*, 100 J. AGRIC. UNIV. P.R. 16 (2016),

<https://revistas.upr.edu/index.php/jaupr/article/download/12732/10475/>.

CB Staff, *Buy More Local at SuperMax* (2020), <https://fliphtml5.com/rwxxp/xnws/basic>.

Cei, Leonardo, DeFrancesco, Edi & Stefani, Gianluca, *From Geographical Indications to Rural Development: A Review of the Economic Effects of European Union Policy*, 10 SUSTAINABILITY 3745 (2018), <http://www.mdpi.com/2071-1050/10/10/3745> (last visited Apr 11, 2020).

Chandler, José Vicente, *Una Agricultura Para Los 90 E Inicios Del 2000* (1994).

Chappuis, Jean-Marc, *Geographical Indications: Collective Organization and Management*, in LABELS OF ORIGIN FOR FOOD: LOCAL DEVELOPMENT, GLOBAL RECOGNITION (2011),

<https://ebookcentral.proquest.com/lib/iub-ebooks/detail.action?docID=740102#>.

Chase, Gordon, *Jamaican Blue Mountain Coffee Guide: All You Need to Know*, 2CAFFEINATED (2020), <https://2caffeinated.com/a-jamaican-blue-mountain-coffee-guide-all-you-need-to-know/>.

Cidre, Manuel, *Siembra la Tierra*, <https://anchor.fm/empresarismo-con-calle/episodes/Siembra-la-tierra-e4coto>.

Colegio de Ciencias Agrícolas del Recinto Universitario Mayagüez, *Equilibrio: Importancia de los Subsidios Agrícolas en el Sector de la Agricultura* (2018), <https://www.uprm.edu/cms/index.php?a=file&fid=18322>.

Collinder, Avia, *High Mountain Output Brings Down Coffee Market* (2019), [jamaicagleaner.com/article/business/20190830/high-mountain-output-brings-down-coffee-market](http://jamaicagleaner.com/article/business/20190830/high-mountain-output-brings-down-coffee-market).

Collins, Susan M., Bosworth, Barry P. & Soto-Class, Miguel A. *The Economy of Puerto Rico: Restoring Growth* (2006), <https://ebookcentral.proquest.com/lib/iub-ebooks/detail.action?docID=3004459>.

Collo, Martin J, *Capital Imports and Endogenous Productive Capacity: A Proposal for Agrarian Development in Puerto Rico*, 10 JOURNAL OF THIRD WORLD STUDIES 306 (1993), <https://www.jstor.org/stable/45197336>.

Colombian Coffee Growers Federation, *Caficultura crece 9,5% en 2019, tres veces más que la economía nacional* (2019), <https://federaciondecafeteros.org/wp/listado-noticias/caficultura-crece-95-en-2019-tres-veces-mas-que-la-economia-nacional/>.

Colombian Coffee Growers Federation, *Colombian coffee production closed 2019 at 14.8 million bags* (2019), <https://federaciondecafeteros.org/wp/listado-noticias/colombian-coffee-production-closed-2019-at-14-8-million-bags/?lang=en>.

Comas Pagán, Dr. Myrna, *Vulnerabilidad de Las Cadenas de Suministros, El Cambio y El Desarrollo de Estrategias de Adaptación: El Caso de Las Cadenas de Suministros de Alimento de Puerto Rico* (2009) (PhD Dissertation, University of Puerto Rico), <http://academic.uprm.edu/mcomas/HTMLobj-159/tesis.pdf>.

Comas Pagán, Dr. Myrna, *Case Study: Wal-Mart Puerto Rico: Promoting Development Through a Public-Private Partnership*, Case&Teaching Notes Ivey Management Service, Richard Ivey School of Business, University of Western Ontario, Canada (2010), <https://www.iveycases.com/ProductView.aspx?id=38641>.

Comas Pagán, Dr. Myrna, *Plan de Seguridad Alimentaria para Puerto Rico* (2013), <https://drive.google.com/file/d/1Cequuae-IBUTvmX-N0004uNqjQJ49Jrv/view>.

Comas Pagán, Dr. Myrna, *Durante su primer año el mercado familiar sobrepasa los 6 millones en beneficio de la economía agrícola del país y la buena nutrición* (2014), <https://myrnacomas.files.wordpress.com/2019/11/durante-su-primer-ac3b1o-el-mercado-familiar-sobrepasan-los-6-millones-en-beneficio-de-la-economc3ada-agrc3adcola-del-pac3ads-y-la-buena-nutricic3b3n-agrotemas-julio-2014.pdf>.

Comas Pagán, Dr. Myrna, *Llega a Mayagüez* (2014), <https://myrnacomas.files.wordpress.com/2019/11/llega-a-mayaguez-el-nuevo-dia-18-febrero-2014.pdf>.

Comas Pagán, Dr. Myrna, *Ventas Millonarias, Creación de Empleos y Acceso a Productos Frescos, El Mercado Familiar* (2015), <https://myrnacomas.files.wordpress.com/2019/11/ventas-millonarias-creacic3b3n-de-empleos-y-acceso-a-productos-frescos-el-mercado-familiar-revista-de-la-placita-en-plaza-septiembre-2015.pdf>.

Comas Pagán, Dr. Myrna, *Arroz del pueblo y para el pueblo*, October 2016 AGROTEMAS DE PUERTO RICO: DE AHORA, 2016, at 13,

[https://issuu.com/luisa.curbelodrodriguez/docs/agrotemas\\_octubre\\_2016](https://issuu.com/luisa.curbelodrodriguez/docs/agrotemas_octubre_2016).

Comas Pagán, Dr. Myrna, *Plan de Desarrollo Reserva Agrícola Valle Lajas* (2016),

<https://myrnacomas.com/planes/>.

Comas Pagán, Dr. Myrna, *Plan Estratégico Integral Agrícola para Puerto Rico* (2016),

<https://drive.google.com/file/d/1xhh11tnAGFw-HYWJlkXmyBxyVW2SI-k0/view>.

Comas Pagán, Dr. Myrna, Pagán, *Recuento de los logros de la secretaria, Dra. Myrna Comas durante su incumbencia en el Departamento de Agricultura de Puerto Rico*, noviembre 2016

AGROTEMAS DE PUERTO RICO: DE AHORA, 2016, at 3, 8, 13.

Comas Pagán, Dr. Myrna, *Ponencia Informe de Transición 2016: Departamento de*

*Agricultura*, [https://drive.google.com/file/d/1IEjJqEhofDfA8FTjK7Kkl5YMW-\\_Y-vQW/view](https://drive.google.com/file/d/1IEjJqEhofDfA8FTjK7Kkl5YMW-_Y-vQW/view).

Comas Pagán, Dr. Myrna & Aulett Padilla, Saritza, *Compendio Estadístico del Ingreso Bruto*

*Agrícola* (2013), <https://www.scribd.com/document/391123084/Departamento-de-Agricultura-Compendio-Estadistico-del-Ingreso-Bruto-Agricola-2011>.

Comité Interagencial de la Estrategia de Puerto Rico, *El Desarrollo Económico de Puerto*

*Rico Una Estrategia para la Próxima Década* (1975),

<https://www.worldcat.org/title/desarrollo-economico-de-puerto-rico-una-estrategia-para-la-proxima-decada-informe-preparado-para-el-consejo-financiero-del-gobernador/oclc/2839025>.

Comité Interagencial de la Estrategia de Puerto Rico, *Estudios, Informes y Documentos sobre el Desarrollo Económico de Puerto Rico Periodo 1975-2006* (Editorial Universitaria

Universidad de Puerto Rico 1976 ed. 2006),

<http://136.145.11.55:85/ipac20/ipac.jsp?uri=full=3100001~!1630316~!0&profile=sl--3>.

Commission on Intellectual Property Rights, *Report of the Commission on Intellectual Property Rights: Integrating Intellectual Property Rights and Development Policy* (2002), [http://www.iprcommission.org/papers/pdfs/final\\_report/CIPRfullfinal.pdf](http://www.iprcommission.org/papers/pdfs/final_report/CIPRfullfinal.pdf).

Consejo Regulador del Tequila, *La Certificación del Tequila: Denominaciones de Origen en México* (2009), <https://www.slideshare.net/ExternalEvents/la-certificacin-del-Tequila-denominaciones-de-origen-en-mxico>.

Cooperative Extension Service & College of Tropical Agriculture and Human Resources, *The Economics of Producing Coffee in Kona*, 11 AGRIBUSINESS (1998), <https://www.ctahr.hawaii.edu/oc/freepubs/pdf/ab-11.pdf>.

Cordero, Gerardo. *Cifra record de ventas en productos del país en nuevo mercado familiar* (2013), <https://www.primerahora.com/noticias/puerto-rico/notas/cifra-record-de-ventas-en-productos-del-pais-en-nuevo-mercado-familiar/>.

Correa, Carlos M. *Protection of Geographical Indications in CARICOM Countries*, CARIBBEAN REGIONAL NEGOTIATING MACHINERY TECHNICAL PAPERS (2002), [https://www.researchgate.net/publication/265104739\\_Protection\\_of\\_Geographical\\_Indications\\_in\\_Caricom\\_Countries/citations](https://www.researchgate.net/publication/265104739_Protection_of_Geographical_Indications_in_Caricom_Countries/citations).

Correa Matos, Carmen, *Legislación Protectora y Promotora de MIPYMES en Puerto Rico (2009-2016)*, 22 FE 23–76 (2017), <http://journals-ojs3.upr.edu/index.php/forumempresarial/article/view/11931> (last visited Feb 24, 2020).

Cortés, Mildred, *Análisis Descriptivo de las Preferencias de los Consumidores de Raíces y Tubérculos en Puerto Rico*, 93 J. AGRIC. UNIV. P.R. 273 (2009), <https://revistas.upr.edu/index.php/jaupr/article/view/5475>.

Cortés, Mildred, *Tendencias en la compra de alimentos en Puerto Rico*, BOLETÍN ESTACIÓN EXPERIMENTAL AGRÍCOLA 9 (2013), <https://www.researchgate.net/publication/275040243>.

Cortés, Mildred, *Análisis del establecimiento de los Mercados Familiares en Puerto Rico, 2014*, 101 JOURNAL OF AGRICULTURE- UNIVERSITY OF PUERTO RICO 143 (2018).

Cortés, Mildred, *Aprendamos Sobre el Fondo para el Fomento de la Industria de Carne de Res en Puerto Rico*, (2018) <https://www.uprm.edu/desdelaeaa/2018/09/05/aprendamos-sobre-el-fondo-para-el-fomento-de-la-industria-de-carne-de-res-en-puerto-rico/>.

Cortés, Mildred, *Aprendamos sobre el mercadeo agrícola*, (2018) <https://www.uprm.edu/desdelaeaa/2018/02/09/aprendamos-sobre-el-mercadeo-agricola/>.

Cortés, Mildred, *Cafés diferenciados y sus mercados potenciales en Puerto Rico*, (2019) <https://www.uprm.edu/desdelaeaa/2019/10/07/cafes-diferenciados-y-sus-mercados-potenciales-en-puerto-rico/>.

Cortés, Mildred, *Potencial de Producción y Mercadeo de Hortalizas: Vegetales Especiales y Asiáticos*, (2019) <https://www.uprm.edu/desdelaeaa/2019/12/18/potencial-de-produccion-y-mercadeo-de-hortalizas-vegetales-especiales-y-asiaticos/>.

Cortés, Mildred, *Segmentos de mercado por leche difenrenciada*, (2019) <https://www.uprm.edu/desdelaeaa/2019/09/16/segmentos-de-mercados-por-leche-de-vaca-diferenciada-en-puerto-rico/>.

Cortés, Mildred & Gayol, Leticia. *Análisis Descriptivo De Las Preferencias De Los Consumidores De Raíces Y Tubérculos En Puerto Rico*, 93 JAUPR 273–276 (1969), <https://revistas.upr.edu/index.php/jaupr/article/view/5475> (last visited Nov 1, 2021).

Cortés, Mildred & Gayol, Leticia, *Preferencia de los Consumidores de Frutas del País en Puerto Rico* (2013),

[https://www.researchgate.net/publication/275039999\\_PREFERENCIA\\_DE\\_LOS\\_CONSUMIDORES\\_DE\\_FRUTAS\\_DEL\\_PAIS\\_EN\\_PUERTO\\_RICO/citation/download](https://www.researchgate.net/publication/275039999_PREFERENCIA_DE_LOS_CONSUMIDORES_DE_FRUTAS_DEL_PAIS_EN_PUERTO_RICO/citation/download).

Cortés, Mildred, Gayol, Leticia & Ortiz, Juan. *Análisis de la Industria de Elaboración de Platanos en Puerto Rico*, 90 THE JOURNAL OF AGRICULTURE OF THE UNIVERSITY OF PUERTO RICO 245–247 (1969), <https://revistas.upr.edu/index.php/jaupr/article/view/1012> (last visited Nov 16, 2020).

Costa, Dennis, *The DelPaís Strengthens Supply of Fresh Products* (2016), <https://caribbeanbusiness.com/delpais-strengthens-supply-of-fresh-products/?print=print>.

Couvertier, Ivonne, *Agricultura y Política Pública*, *Agrotemas de Puerto Rico: De Ahora*, (2008), <http://agrotemasonline.blogspot.com/2008/03/agricultura-y-politica-pblica.html>.

Crespo, Alexandra Gregory. *Disponibilidad de Página de internet sobre Mercadeo Agrícola*, *Mercadeo Agrícola*, (2008), <https://www.mercadeoagricolapr.com/wp-content/uploads/2019/06/Mercadeo-de-Productos-Agricolas.pdf>.

Crespo, Alexandra Gregory, *Registros Contables y Financieros de las Agroempresas*, *Mercadeo Agrícola*, (2008), <https://www.mercadeoagricolapr.com/talleres/>.

Cubano, Liliana, 110, *AÑOS DEL SELLO HECHO EN PUERTO RICO* (2019), <https://advance.lexis.com/api/permalink/a75e491f-8d2c-4756-bca7-6e3cf2381f66/?context=1000516>.

CyberNews, *La Batalla del Pollo con Congelado Versus el Fresco*, NOTICENTRO WAPA TV (2011), [https://www.wapa.tv/noticias/locales/la-batalla-del-pollo--congelado--vs-el--fresco-\\_20110523151358.html](https://www.wapa.tv/noticias/locales/la-batalla-del-pollo--congelado--vs-el--fresco-_20110523151358.html).

Colón, Dahil, *Instituciones Extractivas e Improductivas: el caso de Puerto Rico* (2019), <https://eprints.ucm.es/id/eprint/57120/>.

Darryl C. Wilson, *The Caribbean Intellectual Property Office (CARIPO): New, Useful, and Necessary*, 19 MICHIGAN STATE UNIVERSITY COLLEGE OF LAW JOURNAL OF INTERNATIONAL LAW 551 (2011), <https://core.ac.uk/download/pdf/228469188.pdf>.

Davis, Herlitz, *The Biological and Economic Benefits of Shade Coffee Plantations in the Blue Mountain, Jamaica W.I.*, 2002, (PhD dissertation, George Mason University), <http://mars.gmu.edu/handle/1920/8268>.

Davis, Herlitz et al., *The Economic Potential of Fruit Trees as Shade in Blue Mountain Coffee Agroecosystems of the Yallahs River Watershed, Jamaica W.I.*, 93 AGROFOREST SYST 581 (2019), <https://link-springer-com.proxyiub.uits.iu.edu/article/10.1007/s10457-017-0152-z#citeas>.

De Lima Medeiros, Mirna, Passador, Cláudia Souza & Passador, João Luiz, *Implications of Geographical Indications: A Comprehensive Review of Papers Listed in CAPES' Journal Database*, 13 RAI REVISTA DE ADMINISTRAÇÃO E INOVAÇÃO 315 (2016), <http://linkinghub.elsevier.com/retrieve/pii/S1809203916310713> (last visited Feb 24, 2020).

De Mattos Fagundes, Paloma et al., *Geographical Indication as A Market Orientation Strategy: An Analysis of Producers of High-Quality Wines in Southern Brazil*, 19 JOURNAL OF DATABASE MARKETING & CUSTOMER STRATEGY MANAGEMENT 163–178 (2012), <http://link.springer.com/10.1057/dbm.2012.18> (last visited Jan 28, 2021).

Del Valle Hernández, Sara, *Expanden Los Mercados Agrícolas En Estaciones De Transporte Público* (2015), <https://www.primerahora.com/noticias/gobierno-politica/notas/expanden-los-mercados-agricolas-en-estaciones-de-transporte-publico/>.

Departamento de Agricultura, *Reglamento para la concesión de licencias y autorizaciones de uso de marcas de fábrica pertenecientes al Departamento de Agricultura*, 6642 P.R. Regs. DA

REG. (2003).

Departamento de Agricultura, *Para dejar sin efecto el requisito de pagar regalías durante el tercer año de la licencia otorgada a los agricultores para el uso de la marca the DelPais*, 2009–09 OA PRDA (2009).

Departamento de Agricultura, *La Ruta del Pescado*, Web Archive (2014),

<https://web.archive.org/web/20161026220020/http://larutadelpescado.com/index.php/areacontacto/programa-de-pesca>.

Departamento de Agricultura, *Reg 8649-Reglamento para Regir la Concesión de Licencias y Autorizaciones de Uso de Marcas de Fábric* (2015).

Departamento de Agricultura, *Reglamento para regir la concesión de licencias y autorizaciones de uso de marcas de fábrica pertenecientes al Departamento de Agricultura de Puerto Rico*, 8649 P.R. Regs. DA REG. (2015).

Departamento de Agricultura, *Reglamento para regir la concesión de licencias y autorizaciones de uso de marcas de fábrica pertenecientes al Departamento de Agricultura de Puerto Rico*, 8649 P.R. Regs. DA REG. (2015).

Departamento de Agricultura, *Reglamento para la organización y desarrollo de mercados agrícolas familiares en Puerto Rico*, 8775 P.R. Regs. DA REG. (2016).

Departamento de Agricultura, *Contrato Num. 2018-000109* (2017),

<https://consultacontratos.ocpr.gov.pr/contract/details?contractid=4736302>.

Departamento de Agricultura, *Contrato 2018-000094* (2018),

<https://contratospr.com/contratos/2018-000094-4731168>.

Departamento de Agricultura, *Contrato 2018-000195* (2018),

<https://www.ddec.gobierno.pr/images/QR%20FOMB%20->

%20FY%202017%20to%20Oct%202020.pdf.

Departamento de Agricultura, *Visítanos en La Placita en PLAZA* (2018),

<https://www.agricultura.pr/post/visitarnos-en-la-placita-en-plaza>.

Departamento de Agricultura, *Mercado Familiar* (2019),

<https://www.agricultura.pr/calendario-mercados>.

Departamento de Agricultura, *Incentivos*, Departamento de Agricultura de Puerto Rico (2020),

<https://www.agricultura.pr/post/incentivos-para-el-agricultor>.

Departamento de Agricultura, *Nosotros: Autoridad de Tierras, Laboratorio Ecológico, Fondo de Innovación para el Desarrollo Agrícola de Puerto Rico, and Corporación de Seguros Agrícolas*, Departamento de Agricultura (2020), <https://www.agricultura.pr/nosotros>.

Departamento de Agricultura de Puerto Rico, *Inversión En La Investigación Agrícola* (2017),

<https://www.informeagricola.com/inversion-en-la-investigacion-agricola/>.

Departamento de la Familia, *Memorial Explicativo del Presupuesto Recomendado* (2017),

<http://www.bvirtual.ogp.pr.gov/ogp/Bvirtual/memExpPres/PDF/Agencias/DF-18.pdf>.

Departamento de Turismo, *Pasaporte- Turismo Interno*, Web Archive (2021),

<https://voyturisteando.com/poncha-tu-pasaporte/>.

Department of Agriculture of the Commonwealth of Puerto Rico, *Revised Final Report USDA AMS Agreement Number 12-25-B-0915 Projects to Enhance the Competitiveness of Puerto Rico Specialty Crops* (2012),

[https://www.ams.usda.gov/sites/default/files/media/SCBGP\\_FY%202009%20Puerto%20Rico%20Department%20of%20Agriculture%20-%20%24363%2C961.04.pdf](https://www.ams.usda.gov/sites/default/files/media/SCBGP_FY%202009%20Puerto%20Rico%20Department%20of%20Agriculture%20-%20%24363%2C961.04.pdf).

Department of Agriculture of the Commonwealth of Puerto Rico, *Revised Final Report USDA AMS Agreement Number 12-25-B-0915 Projects to Enhance the Competitiveness of Puerto*

*Rico Specialty Crops* (2012),

[https://www.ams.usda.gov/sites/default/files/media/SCBGP\\_FY%202009%20Puerto%20Rico%20Department%20of%20Agriculture%20-%20%24363%2C961.04.pdf](https://www.ams.usda.gov/sites/default/files/media/SCBGP_FY%202009%20Puerto%20Rico%20Department%20of%20Agriculture%20-%20%24363%2C961.04.pdf).

Departamento de Agricultura & FIDA, *Ruta del Lechón*, Map, (date)

<http://rutadellechon.com/mapa-de-la-ruta/>.

Deshpandé, Rohit et al., *Tequila Patrón*, HBS Global Research Center: Latin America Research Center Harvard Business School (2018), <https://store.hbr.org/product/Tequila-patron/517108>.

Díaz, Miguel, *Falta de Rigor en Medida que Exalta el Lechón Asado como Patrimonio Nacional* (2019), <https://esnoticiapr.com/falta-de-rigor-en-medida-que-exalta-el-lechon-asado-como-patrimonio-nacional/>.

Díaz Rolón, Ayeza, *Aprueban la Ley del Logo del Pescado Puertorriqueño* (2020),

[https://www.elvocero.com/gobierno/aprueban-la-ley-del-logo-del-pescado-puertorriqueo/article\\_a48051d0-4ea6-11ea-9d9d-ef802f78b953.html](https://www.elvocero.com/gobierno/aprueban-la-ley-del-logo-del-pescado-puertorriqueo/article_a48051d0-4ea6-11ea-9d9d-ef802f78b953.html).

Dick, Diane Lourdes, *U.S. Tax Imperialism in Puerto Rico*, 65 AM. U. L. REV (2015),

<https://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=2120&context=aulr>.

Dimitri, Carolyn, Effland, Anne & Conklin, Neilson, *The 20th Century Transformation of U.S. Agriculture and Farm Policy* (2005),

[https://www.ers.usda.gov/webdocs/publications/44197/13566\\_eib3\\_1\\_.pdf](https://www.ers.usda.gov/webdocs/publications/44197/13566_eib3_1_.pdf).

Dokuzlu, Sertaç et al., *Food and Agricultural Product Pilot Selection for Geographical*

*Indication Projects*, 19 NEW MEDIT (2020), <https://newmedit.iamb.it/2020/09/24/food-and-agricultural-product-pilot-selection-for-geographical-indication-projects/> (last visited Jan 18, 2021).

ECONOMIC DEVELOPMENT ADMINISTRATION, OVERALL ECONOMIC DEVELOPMENT PLAN FOR THE COMMONWEALTH OF PUERTO RICO (1967), <http://www.worldcat.org/oclc/22152087>.

El Capitolio, *Cámara estudiará implantación de la “Ley para la inversión de la industria puertorriqueña”*, CÁMARA DE REPRESENTANTES (2017),

<http://www.tucamarapr.org/dnncamara/web/InformacióndeLaCámara/OfertasdeEmpleos/TabId/429/ArtMID/1623/ArticleID/1046/C225mara-estudiar225-implantaci243n-de-la-“Ley-para-la-inversi243n-de-la-industria-puertorrique241a.”aspx>.

El Norte, *Exitoso Mercado Familiar en Isabela* (2014),

<https://www.indicepr.com/elnorte/noticias/2014/09/25/28224/exitoso--mercado-familiar-en-isabela/>.

El Nuevo Día, *Mercado Familiar Supera Los \$10 Millones En Ventas* (2014),

<https://www.elnuevodia.com/noticias/locales/notas/mercado-familiar-supera-los-10-millones-en-ventas/>.

El Nuevo Día, *Se Buscan Agricultores Para Los Nuevos Mercados Agrícolas* (2015),

<https://www.elnuevodia.com/negocios/consumo/notas/se-buscan-agricultores-para-los-nuevos-mercados-agricolas/>.

El Nuevo Día, *Evalúan Nuevos Nichos Para La Exportación Agrícola* (2020),

<https://www.pressreader.com/puerto-rico/el-nuevo-dia1/20200712/281852940866810>.

Embajada de España et al., *Situación Agrícola de Puerto Rico* (2019),

<https://www.icex.es/icex/GetDocumento?dDocName=DOC2020859344&urlNoAcceso=/icex/es/registro/iniciar-sesion/index.html?urlDestino=https://www.icex.es:443/icex/es/navegacion-principal/todos-nuestros-servicios/informacion-de-mercados/sectores/servicios/documentos/DOC2020859344.html&site=icexES>.

Errázuriz Tortorelli, Cristina. *Indicaciones Geográficas y Denominaciones de Origen: Propiedad Intelectual en Progreso*, 37 REVISTA CHILENA DE DERECHO 207 (2010),

[http://www.scielo.cl/scielo.php?script=sci\\_arttext&pid=S0718-](http://www.scielo.cl/scielo.php?script=sci_arttext&pid=S0718-)

34372010000200002&lng=en&nrm=iso&tlng=en (last visited Mar 25, 2020).

AGRICULTURAL EXPERIMENT STATION. UNIVERSITY OF PUERTO RICO (RIO PIEDRAS CAMPUS).,

MERCADEO DE PRODUCTOS AGRÍCOLAS EN PUERTO RICO : MEMORIAS DEL FORO TÉCNICO

(1990).

Estación Experimental Agrícola Universidad de Puerto Rico de Mayagüez Colegio de

Ciencias Agrícolas, *Conjunto Tecnológico para la producción de* (2016),

<https://www.uprm.edu/eea/publicaciones/>.

Estela, Ada Ximena Rengifo, Aguirre, Luz Angela Ossa & Salazar, Mariana Gutiérrez,

*Reconocimiento, Identificación y Sentido de Pertenencia de un Público Objetivo Hacia Una*

*Marca Determinada, Estudio de Caso: Marca Juan Valdez*, 2008, (Universidad Autónoma de

Occidente Facultad de Comunicación Social Departamento de Publicidad y Diseño Programa

de Comunicación Publicitaria Santiago de Cali),

<https://red.uao.edu.co/bitstream/10614/7401/1/T05405.pdf>.

Farley, Christine Haight, *Conflicts Between US Law and International Treaties Concerning*

*Geographical Indications*, 22 WHITTIER LAW REVIEW 73 (2000),

[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1218062](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1218062).

Federación de Café de Colombia, *Protección del Origen Café de Colombia* (2012),

<https://www.cafedecolombia.com/static/integrador/cartilla.pdf>.

Federación Nacional de Cafeteros de Colombia, *Informe de Gestión 2019* (2019),

<https://cdn.flipsnack.com/widget/v2/widget.html?hash=dpazs597t9>.

Feldman, Marvin, *Economic Effects of Blending Kona Coffee—A Preliminary Analysis*,  
RESOURCE DECISIONS KONA COFFEE FARMERS (2010),

<https://www.konacoffeefarmers.org/wp-content/uploads/2012/03/Economic-Efforts-of-Blending-Kona.pdf>.

Fernández-Barcala, Marta, González-Díaz, Manuel & Raynaud, Emmanuel, *Contrasting the Governance of Supply Chains with and Without Geographical Indications: Complementarity Between Levels*, 22 SUPPLY CHAIN MANAGEMENT: AN INTERNATIONAL JOURNAL 305 (2017),  
<https://www.emerald.com/insight/content/doi/10.1108/SCM-05-2016-0161/full/html> (last visited Sep 28, 2020).

Fernández-Zarza, Mario, Amaya-Corchuelo, Santiago & Criado, Encarnación Aguilar, *Institutional Density and Public Policies in Two Cases of Geographical Indications from Mexico and Spain*, 19 JOURNAL OF AGRARIAN CHANGE 361–379 (2019),  
<http://doi.wiley.com/10.1111/joac.12276> (last visited May 7, 2020).

Figuroa Cancel, Alex, *En aumento el impacto del “Mercado Familiar”* (2016),  
<https://www.primerahora.com/noticias/puerto-rico/notas/en-aumento-el-impacto-del-mercado-familiar/>.

Figuroa, Celia, *Nueva Cadena De Supermercados Boricuas Impulsa La Economía De Puerto Rico Y Kissimmee* (2017), <https://www.pressreader.com/usa/la-prensa-orlando/20171214/281526521403840>.

Figuroa, Moisés & Reiya, Alexandra, *Entrevistas al Lcdo. Eugenio Torres Oyola*, (2018)  
<https://open.spotify.com/episode/1SLRuTIVtRQy3nZv7QAhab>.

Finnerty, Ryan, *Expanding Local Agriculture into Major Economic Industry Poses Challenges*, HAWAII PUBLIC RADIO (2020),

<https://www.hawaiipublicradio.org/post/expanding-local-agriculture-major-economic-industry-poses-challenges#stream/0>.

Flecha, José A, De los M, María, Santos-Corrada & Mena-Candelaria, Sandra, *El Efecto de la Autocongruencia en un Sello de Denominación de Origen: El Sello Hecho en Puerto Rico*, 35 ESTUDIOS GERENCIALES 292 (2019),

[https://www.icesi.edu.co/revistas/index.php/estudios\\_gerenciales/article/view/3263](https://www.icesi.edu.co/revistas/index.php/estudios_gerenciales/article/view/3263) (last visited Mar 12, 2020).

Fleming, Kent, Easton Smith, Virginia & Bittenbender, H.C., *The Economics of Cacao Production in Kona*, 17 AGRIBUSINESS (2009),

<https://www.ctahr.hawaii.edu/oc/freepubs/pdf/AB-17.pdf>.

Flores Ortega, Carlos, *Informe Empresa De Café 2011-2012* (2011),

[https://academic.uprm.edu/mmonroig/HTMLobj-1666/Informe\\_de\\_Empresa\\_de\\_Cafe\\_2011\\_PDF.pdf](https://academic.uprm.edu/mmonroig/HTMLobj-1666/Informe_de_Empresa_de_Cafe_2011_PDF.pdf).

Flores, Vanessa, *Final Performance Report USDA AMS Agreement Number 12-25-B-1220 (2011-FY) Department of Agriculture of PR State Plan 2011 Projects to Enhance the Competitiveness of Puerto Rico Specialty Crops Through a State Buy Local Promotion and Marketing Plan for Local Producers, Best Practices Capacity-Building for Producers, Farmers' Market Promotion Project and Various Recommended Sub Grantee Projects* (2015),

[https://www.ams.usda.gov/sites/default/files/media/SCBGP\\_FY%202011%20Puerto%20Rico%20Department%20of%20Agriculture%20-%20\\$375,52479.pdf](https://www.ams.usda.gov/sites/default/files/media/SCBGP_FY%202011%20Puerto%20Rico%20Department%20of%20Agriculture%20-%20$375,52479.pdf).

Fondo Integral para el Desarrollo Agrícola, *Ventas A Comercios*, Web Archive (2010),

<https://web.archive.org/web/20100308201107/http://www.delpaispr.com/ventas.htm>.

Fortuño, Luis Hon, *Modelo Estratégico para una Nueva Economía* (2009),

<https://economia.uprrp.edu/Modeloestrategicoseptiembre2009.pdf>.

Foscolo, Jason, *The Kona Coffee Archetype: A Case Study in Domestic Geographic*

*Indication*, 5 KY. J. EQUINE, AGRIC. & NAT. RESOURCES L. 199 (2012),

<http://www.kjeanrl.com/the-kona-coffee-archetype>.

Francis, June & Hyman, Randolph-Dalton, *The Impact of Geographical Indications on the*

*Economic, Cultural, Social, and Environmental Pillars of Sustainability: The Case of*

*Jamaican Blue Mountain Coffee*, 8 THE INTERNATIONAL JOURNAL OF SUSTAINABILITY IN

ECONOMIC, SOCIAL, AND CULTURAL CONTEXT 1–13 (2013),

<https://cgscholar.com/bookstore/works/the-impact-of-geographical-indications-on-the-economic-cultural-social-and-environmental-pillars-of-sustainability> (last visited Mar 25, 2021).

Frankfurt Kurnit Klein & Selz PC, *Where's the Beef? Does "Product of the USA" Mean That the Cattle Was Raised in the USA?* (2020),

[https://www.lexology.com/library/detail.aspx?g=7275dd8b-75c1-4398-84b0-](https://www.lexology.com/library/detail.aspx?g=7275dd8b-75c1-4398-84b0-be387289e511#:~:text=It's%20clear%20that%20imported%20beef,Wrong.&text=According%20to%20FSIS%20rules%2C%20%22Product,prepared%20in%20the%20United%20States)

[be387289e511#:~:text=It's%20clear%20that%20imported%20beef,Wrong.&text=According%20to%20FSIS%20rules%2C%20%22Product,prepared%20in%20the%20United%20States](https://www.lexology.com/library/detail.aspx?g=7275dd8b-75c1-4398-84b0-be387289e511#:~:text=It's%20clear%20that%20imported%20beef,Wrong.&text=According%20to%20FSIS%20rules%2C%20%22Product,prepared%20in%20the%20United%20States).

GANGJEE, DEV, *The Appellation of Origin in the Lisbon Agreement*, in RELOCATING THE LAW

OF GEOGRAPHICAL INDICATIONS 127–180 (2012),

[https://www.cambridge.org/core/books/relocating-the-law-of-geographical-](https://www.cambridge.org/core/books/relocating-the-law-of-geographical-indications/appellation-of-origin-in-the-lisbon-agreement/A648BCE579A841389C23E2A086CDE887)

[indications/appellation-of-origin-in-the-lisbon-](https://www.cambridge.org/core/books/relocating-the-law-of-geographical-indications/appellation-of-origin-in-the-lisbon-agreement/A648BCE579A841389C23E2A086CDE887)

[agreement/A648BCE579A841389C23E2A086CDE887](https://www.cambridge.org/core/books/relocating-the-law-of-geographical-indications/appellation-of-origin-in-the-lisbon-agreement/A648BCE579A841389C23E2A086CDE887).

GARCÍA, L. M. C, EVALUACIÓN DEL MODELO AGRÍCOLA PARA LA SEGURIDAD ALIMENTARIA EN

PUERTO RICO: ÍNDICES DE ACCESIBILIDAD (2019), <https://books.google.com.pr/books?id=->

UcryQEACAAJ.

García, Marínés Aponte, *Factores Condicionantes de la Creación de Empresas en Puerto Rico: Un Enfoque Institucional* (2002) (Doctoral thesis, Universitat Autònoma De Barcelona), <https://www.tdx.cat/handle/10803/3946#page=1>.

García-Padilla, Alejandro Hon, *Agenda para la Recuperación Económica* (2014), <https://tribunapr.com/wp-content/uploads/2014/04/20140429-agp-recuperacion-economica-completo.pdf>.

García-Padilla, Antonio, *Research, Economic Development, and the Role of the University of Puerto Rico*, 26 PUERTO RICO HEALTH SCIENCES JOURNAL 177 (2007), <https://pubmed.ncbi.nlm.nih.gov/18035808/>.

García-Padilla, Antonio, *Researchers and Small-Scale Entrepreneurship*, 5 LAW AND DEVELOPMENT REVIEW 155 (2012), <https://www.degruyter.com/document/doi/10.1515/1943-3867.1151/html>.

Gaytán, Marie Sarita & Bowen, Sarah. *Naturalizing Neoliberalism and the De-Mexicanization of the Tequila Industry*, 47 ENVIRON PLAN A 267–283 (2015), <http://journals.sagepub.com/doi/10.1068/a130281p> (last visited Jan 29, 2021).

Giovanni, Belletti & Andrea, Marescotti, *D12 – WP7 Report GI Strategies and policy recommendations* (2005), <https://hal.inrae.fr/hal-02821770/document>.

Giovannucci, Daniele, Barham, Elizabeth & Pirog, Richard. *Defining and Marketing “Local” Foods: Geographical Indications for U.S. Products*, 13 THE JOURNAL OF WORLD INTELLECTUAL PROPERTY 94–120 (2010), <http://doi.wiley.com/10.1111/j.1747-1796.2009.00370.x> (last visited Apr 11, 2020).

GIOVANNUCCI, DANIELE ET AL., GUIDE TO GEOGRAPHICAL INDICATIONS: LINKING PRODUCTS

AND THEIR ORIGINS (INTERNATIONAL TRADE CENTRE (ITC) OF THE WORLD TRADE ORGANIZATION (2009), [https://www.origin-gi.com/images/stories/PDFs/English/E-Library/geographical\\_indications.pdf](https://www.origin-gi.com/images/stories/PDFs/English/E-Library/geographical_indications.pdf).

Global Coffee Report, *Jamaica's Shades of Blue*, GLOBAL COFFEE REPORT MAGAZINE (2020), <https://gcrmag.com/jamaicas-shades-of-blue/>.

Gómez, Antonio, *Nueva rotulación para resaltar el producto local* (2019), <https://www.elnuevodia.com/negocios/consumo/notas/nueva-rotulacion-para-resaltar-el-producto-local/>.

González, Ailín Padilla, *Impacto Del Tratado De Libre Comercio De América Del Norte, La Unión Europea Y El Tratado De Libre Comercio Para República Dominicana Y Centro América En Las Exportaciones De Puerto Rico (The Impact of Three Free Trade Agreements on Puerto Rico Exports)*, 5 REVISTA INTERNACIONAL ADMINISTRACIÓN & FINANZAS 12 (2012), <https://ssrn.com/abstract=1954099>.

Carmen Alamo Gonzalez, *Implications Of Product Differentiation In Food Demand: The Case Of Coffee In The United States*, 2012, (Doctor of Philosophy Agriculture and Applied Economics Texas Tech University), <http://hdl.handle.net/2346/50741>.

González Figueroa, Ramon, *Geographical Indications in a Business Strategy: Tequila Experience* (2005), [https://www.wipo.int/edocs/mdocs/mdocs/en/isipd\\_05/isipd\\_05\\_www\\_103999.pdf](https://www.wipo.int/edocs/mdocs/mdocs/en/isipd_05/isipd_05_www_103999.pdf).

González, Gladys M & Gregory, Alexandra, *Economic Development Plan for the Agriculture Sector* (2017), <http://jp.gobierno.pr/LinkClick.aspx?fileticket=ywwUp7PPac0%3D&tabid=277&portalid=0&mid=1487>.

González, Jorge, *Estudio de Gusto y Preferencias de Quesos en la Regiones de Arecibo, Aguadilla y Mayagüez y Ponce* (1992),  
<https://dspacesupr.cloudapp.net/bitstream/handle/10476/777/boletin%20293.pdf?sequence=2&isAllowed=y>.

Grazioli, Alexandra & Addor, Felix, *Geographical Indications beyond Wines and Spirits: A Roadmap for a Better Protection for Geographical Indications in the WTO/TRIPS Agreement*, 5 THE JOURNAL OF WORLD INTELLECTUAL PROPERTY 865 (2002),  
[https://www.researchgate.net/publication/240268885\\_Geographical\\_Indications\\_Beyond\\_Wines\\_and\\_Spirits-A\\_Roadmap\\_for\\_a\\_Better\\_Protection\\_for\\_Geographical\\_Indications\\_in\\_the\\_WTO\\_TRIPS\\_Agreement](https://www.researchgate.net/publication/240268885_Geographical_Indications_Beyond_Wines_and_Spirits-A_Roadmap_for_a_Better_Protection_for_Geographical_Indications_in_the_WTO_TRIPS_Agreement).

Griffin, Mamie et al., *Analysis of Human Capital Development in Puerto Rico: Summary and Conclusions*, 14 HUMAN RESOURCE DEVELOPMENT INTERNATIONAL 337–346 (2011),  
<http://www.tandfonline.com/doi/abs/10.1080/13678868.2011.585067> (last visited Feb 24, 2020).

Guido, Zack et al., *The Stresses and Dynamics of Smallholder Coffee Systems in Jamaica's Blue Mountains: A Case for The Potential Role of Climate Services*, 147 CLIMATIC CHANGE 253–266 (2018), <http://link.springer.com/10.1007/s10584-017-2125-7> (last visited Jan 19, 2021).

Guido, Zack et al., *Shocks and Cherries: The Production of Vulnerability Among Smallholder Coffee Farmers in Jamaica*, 132 WORLD DEVELOPMENT 104979 (2020),  
<https://linkinghub.elsevier.com/retrieve/pii/S0305750X20301054> (last visited Jan 19, 2021).

Hawaii Coffee Association, *Grading Standards for Hawaii Green Coffee* (2020),

<https://hawaiicoffeeassoc.org/page-1771566>.

Hawaii Department of Agriculture, *Standards for Coffee*, 4 143 (2012),

<http://hdoa.hawaii.gov/wp-content/uploads/2012/12/AR-143.pdf>.

HEATH, CHRISTOPHER, *Geographical Indications: International, Bilateral and Regional*

*Agreements*, in NEW FRONTIERS OF INTELLECTUAL PROPERTY LAW: IP AND CULTURAL

HERITAGE – GEOGRAPHICAL INDICATIONS – ENFORCEMENT – OVERPROTECTION 97 (2005),

<http://www.bloomsburycollections.com/book/new-frontiers-of-intellectual-property-law-ip-and-cultural-heritage-geographical-indications-enforcement-overprotection> (last visited May 23, 2020).

Hernández, Orlando, *Informe de Transición: Programa para el Fomento, Desarrollo y Administración Pesquera y Acuícola* (2012),

[http://www.transicion.pr.gov/2012/055/Informe%20status%20planes%20unidades%20administrativas/Inf.%20Transicion\\_PESCA.pdf](http://www.transicion.pr.gov/2012/055/Informe%20status%20planes%20unidades%20administrativas/Inf.%20Transicion_PESCA.pdf).

Heydrich Blanco, Teresita, *Supera las expectativas el Mercado Familiar* (2016),

<http://www.miprv.com/supera-las-expectativas-el-mercado-familiar/>.

House of Puerto Rico, *Informe Positivo Proyecto de la Camara 1257 2019, 18va Asamblea Legislativa, 5ta Sesión Ordinaria*.

Hughes, Justin, *The Spirited Debate Over Geographic Indications*, 20 LAW REVIEW 14 (2003),

<https://www.cadenagro.org/images/Descargas/articuloswilson/the%20spirited%20debate%20over%20gi.pdf>.

Hughes, Justin, *Champagne, Feta, and Bourbon: The Spirited Debate About Geographical Indications*, 58 HASTINGS L. J. 299 (2006),

[https://repository.uchastings.edu/cgi/viewcontent.cgi?article=3644&context=hastings\\_law\\_jou](https://repository.uchastings.edu/cgi/viewcontent.cgi?article=3644&context=hastings_law_jou)

rnal.

Hughes, Justin, *Coffee and Chocolate – Can We Help Developing Country Farmers Through Geographical Indications?* (2010), <http://www.ssrn.com/abstract=1684370> (last visited Apr 11, 2020).

HUGHES, JUSTIN, *The Limited Promise of Geographical Indications for Farmers in Developing Countries*, in GEOGRAPHICAL INDICATIONS AT THE CROSSROADS OF TRADE DEVELOPMENT AND CULTURE 61 (2017), <https://www.cambridge.org/core/books/geographical-indications-at-the-crossroads-of-trade-development-and-culture/limited-promise-of-geographical-indications-for-farmers-in-developing-countries/FE10D62FD06C1F602C95996AF9596887/core-reader>.

Hughes, Justin, et al., *Panel II: That's a Fine Chablis You're Not Drinking: The Proper Place for Geographical Indications in Trademark Law*, 17 FORDHAM INTELL. PROP. MEDIA & ENT. L.J. 933 (2007), <https://ir.lawnet.fordham.edu/iplj/vol17/iss4/2>.

Hughes, Justin, et al., *That's a Fine Chablis You're Not Drinking: The Proper Place for Geographical Indications in Trademark Law.*, 17 FORDHAM INTELL. PROP. MEDIA & ENT. L.J. 993, 47 (2007).

IBISWorld, *Coffee Production in the U.S. - Employment Statistics 2002–2026* (2021), <https://www.ibisworld.com/industry-statistics/employment/coffee-production-united-states/>.

IBISWorld, *Coffee Production in the U.S. - Market Size 2002–2026* (2021), <https://www.ibisworld.com/industry-statistics/market-size/coffee-production-united-states/>.

ICC Commission on Intellectual Property, *Intellectual Property: Powerhouse for Innovation and Economic Growth* (2011), <https://cdn.iccwbo.org/content/uploads/sites/3/2011/02/Intellectual-Property-Powerhouse-for-Innovation-and-Economic-Growth.pdf>.

Idris, Kamil, *Intellectual Property: A Power Tool for Economic Growth* (2003),

[https://www.wipo.int/pressroom/en/prdocs/2003/wipo\\_pr\\_2003\\_337.html](https://www.wipo.int/pressroom/en/prdocs/2003/wipo_pr_2003_337.html).

Idris, Kamil, *La Propiedad Intelectual al Servicio del Crecimiento Económico, enero-febrero 2003 Revista de la OMPI* (2003),

[https://www.wipo.int/export/sites/www/wipo\\_magazine/es/pdf/2003/wipo\\_pub\\_121\\_2003\\_01-02.pdf](https://www.wipo.int/export/sites/www/wipo_magazine/es/pdf/2003/wipo_pub_121_2003_01-02.pdf).

Inter News Service, *Mercado Familiar Supera Ventas* (2013),

[https://www.wapa.tv/noticias/locales/mercado-familiar-supera-ventas\\_20131122256965.html](https://www.wapa.tv/noticias/locales/mercado-familiar-supera-ventas_20131122256965.html).

Inter News Service, *Crece El Número De Agricultores En Mercado Familiar* (2019),

[https://www.elvocero.com/actualidad/crece-el-n-mero-de-agricultores-en-mercado-familiar/article\\_65ac1018-dcbc-11e9-957b-bf2b006c443b.html](https://www.elvocero.com/actualidad/crece-el-n-mero-de-agricultores-en-mercado-familiar/article_65ac1018-dcbc-11e9-957b-bf2b006c443b.html).

*Interagency Study Group on the Puerto Rican Economy, Agriculture, Food, and Rural Living* (1979),

[https://estadisticas.pr/files/BibliotecaVirtual/estadisticas/biblioteca/USDC/USDC\\_ESPRV012b.pdf](https://estadisticas.pr/files/BibliotecaVirtual/estadisticas/biblioteca/USDC/USDC_ESPRV012b.pdf).

IRIZARRY MORA, EDWIN ET AL., *ENSAYOS PARA UNA NUEVA ECONOMÍA: DESARROLLO ECONÓMICO DE PUERTO RICO* (2017).

Irizarry-Hernández, Zolliane, Amador-Dumois, María & Frontera-Agenjo, José, *Análisis*

*Estratégico de la Ley de Incentivos Industriales para el Desarrollo Economic de Puerto*

*Rico*, Universidad de Puerto Rico, recinto de Mayagüez Department of Chemistry, College of

Business Administration (2013), <https://scholar.uprm.edu/handle/20.500.11801/151>.

Jamaica Intellectual Property Office, *Protected Geographical Indication: Geographical Indication Manual* (2015).

Jamaica Promotions Corporation, *Looking Beyond the Jamaica Blue Mountain Coffee Day Experience*, DO BUSINESS JAMAICA (2019),

<https://dobusinessjamaica.com/blog/uncategorized/2019/01/1732/>.

Jamaican Coffee Company, *Is Jamaican Coffee Club's Blue Mountain Coffee a Wonder on Its Own?* (2020), <https://jamaicancoffeeclub.com/jamaicancoffeeclubs-blue-mountain-coffee-wonder/>.

Jensen, Chelsea, *Blenders Refute Coffee Study, Opponents Say Changing Labeling Rules Would Harm Business*, KONA COFFEE FARMERS (2010),

<https://www.konacoffeefarmers.org/topics-of-interest/legislative/blenders-refute-coffee-study-opponents-say-changing-labeling-rules-would-harm-business/>.

Joanisabel Noticias Financieras, *Grupo de agricultores crean organizacion Accion y Reforma Agricola*, (2006).

Joanisabel Noticias Financieras, *Productores agrarios remarcan efectos de crisis de gobierno en el sector*; (2006) [Source: *El Nuevo Dia*] 3.

Josephson Institute of Ethics, *Un Estudio Sobre Los Valores En Puerto Rico La Encuesta: Resultados En Detalle Un Informe Del Instituto De Ética Josephson* (2010),

[https://estadisticas.pr/files/BibliotecaVirtual/estadisticas/biblioteca/Etica\\_PR\\_values\\_survey\\_2010.pdf](https://estadisticas.pr/files/BibliotecaVirtual/estadisticas/biblioteca/Etica_PR_values_survey_2010.pdf).

Junta de Planificación, *Informe Económico al Gobernador 2018* (2018),

<http://jp.pr.gov/Portals/0/Economia/Informes%20Econ%C3%B3micos%20al%20Gobernador/Informe%20Econ%C3%B3mico%20al%20Gobernador%202018.pdf?ver=2019-05-24-135431-237>.

Junta de Planificación de Puerto Rico, *Proyecto Puerto Rico 2005* (1992).

Karmakar, Suparna, *Protecting Indigenous Knowledge through Geographical Indications: A Case Study of the Textile Industry in India*, in INTELLECTUAL PROPERTY FOR ECONOMIC DEVELOPMENT (2014).

Kassel, Kathleen & Martin, Anikka, *Agriculture and Food Sectors and the Economy* (2020), <https://www.ers.usda.gov/data-products/ag-and-food-statistics-charting-the-essentials/ag-and-food-sectors-and-the-economy/?topicId=b7a1aba0-7059-4feb-a84c-b2fd1f0db6a3>.

Keck, Ken, *Puerto Rico Works with USDA to Strengthen Local Food Systems* (2017), <https://www.usda.gov/media/blog/2015/11/03/puerto-rico-works-usda-strengthen-local-food-systems>.

Keeler, Joseph T, Iwane, John Y & Matsumoto, Dan K, *An Economic Report on the Production of Kona Coffee* (1958), <https://www.semanticscholar.org/paper/An-economic-report-on-the-production-of-Kona-coffee-Keeler-Iwane/f74bfec01878a0a1eeaf80583a683c4929f8d911#paper-header>.

Kennedy, Matthew, *Overseas Territories in the WTO*, 65 INTERNATIONAL AND COMPARATIVE LAW QUARTERLY 741–761 (2016), [https://www.cambridge.org/core/product/identifier/S0020589316000105/type/journal\\_article](https://www.cambridge.org/core/product/identifier/S0020589316000105/type/journal_article) (last visited Aug 6, 2020).

KINRO, GERALD, A CUP OF ALOHA: THE KONA COFFEE EPIC (2003), <https://www.jstor.org/stable/j.ctvvmxhk>.

Kizos, Thanasis et al., *The governance of geographical indications: Experiences of practical implementation of selected case studies in Austria, Italy, Greece and Japan*, 119 BRITISH FOOD JOURNAL 2863 (2017), <https://www.emerald.com/insight/content/doi/10.1108/BFJ-01-2017-0037/full/html> (last visited May 11, 2020).

Kona Coffee Farmers' Association, *100% Real Kona from Seed to Cup*, KONA COFFEE FARMERS (2020), <https://www.konacoffeefarmers.org/100-percent-kona/>.

Kona Coffee Council, *Learn about Kona Coffee and Seal Program*, KONA COFFEE COUNCIL (2005), <http://www.kona-coffee-council.com/page-692163>.

Kona Coffee Farmers' Association, *Points in Support of Reforming the Hawaii Coffee Labeling Law*, KONA COFFEE FARMERS (2014), <https://www.konacoffeefarmers.org/topics-of-interest/legislative/points-in-support-of-reforming-the-hawaii-coffee-labeling-law/>.

Kotabe, Masaaki, *Evolving Intellectual Property Protection in The World: Promises and Limitations*, 1 U. PUERTO RICO BUS. L.J 1 (2010), <https://vlex.com.pr/vid/evolving-intellectual-property-protection-631544125>.

Labajova, Katarina, *Posicionamiento de Productos Agrícolas Locales Versus Importados: Un Estudio de Los Consumidores de Carne de Pollo, Huevos y Carne de Cerdo del Municipio de Mayagüez, Puerto Rico* (2004) (Masters dissertations, University of Puerto Rico), <https://proxyiub.uits.iu.edu/login?qurl=https%3A%2F%2Fwww.proquest.com%2Fdissertations-theses%2Fposicionamiento-de-productos-agr%C3%ADcolas-locales%2Fdocview%2F305368704%2Fse-2%3Faccountid%3D11620>.

LaFuze, G. Leighton, *The Puerto Rico Food Administration: Its Organization and Papers*, 21 HISPANIC AMERICAN HISTORICAL REVIEW 499–504 (1941), <https://read.dukeupress.edu/hahr/article/21/3/499/155627/The-Puerto-Rico-Food-Administration-Its> (last visited Oct 6, 2021).

Latin America Digital Beat LADB Staff, *U.S. Distributor Acquires Prominent Tequila Distiller Casa Herradura*, UNIVERSITY OF NEW MEXICO UNM DIGITAL REPOSITORY (2006), <https://digitalrepository.unm.edu/sourcemex>.

Le Gall, Sharon B, *Introduction*, in INTELLECTUAL PROPERTY, TRADITIONAL KNOWLEDGE AND CULTURAL PROPERTY PROTECTION: CULTURAL SIGNIFIERS IN THE CARIBBEAN AND THE AMÉRICAS (2014).

Letter from Hon. Gilberto Rodríguez Valle, *P. de la S. 400* (2013),

<http://www.camarapr.org/ponenciasFigueroa/P-S-400-abril-9-2013.pdf>.

Letter from Hon. Gilberto Rodríguez Valle, *Re:P. de la S. 400* (2013),

<http://industrialespr.org/download/CongressionalTestimonies/PS%20400%20-%20Asoc.%20Productos%20PR.pdf>.

Letter from Hon. Gilberto Rodríguez Valle, *P. de la S. 671* (2013),

<http://industrialespr.org/download/CongressionalTestimonies/PS%20671%20-%20Productos%20de%20PR%20final.pdf>.

Lewis, Dr David E., *The North American Free Trade Agreement (NAFTA) and Its Impact on the Caribbean Basin Economies*, 24 CARIBBEAN STUDIES 99–116 (1991),

<http://www.jstor.org.proxyiub.uits.iu.edu/stable/25613041> (last visited Feb 5, 2021).

LEWIS, DR. DAVID E, *Free Trade and Business Growth Opportunities for Puerto Rico Firms*, in E3 SUMMIT OF THE AMÉRICAS 2011, [http://www.camarapr.org/SummitE3/Pres-E3/E3S\\_David\\_Lewis.pdf](http://www.camarapr.org/SummitE3/Pres-E3/E3S_David_Lewis.pdf).

Linstrom, Harold R & Keeler, Joseph T, *Market Penetration of Instant Kona Coffee in Honolulu, Hawaii* (1966), <https://core.ac.uk/download/pdf/211322045.pdf>.

Harold R Linstrom, Joseph T Keeler & C Richard Creek, *A Pilot Market Test of Instant Kona Coffee*, 65 AGRICULTURAL ECONOMICS REPORT (1964),

<https://scholarspace.manoa.hawaii.edu/bitstream/10125/53799/1/CtahrpsAgEcR65.pdf>.

López Cabán, Cynthia, *Coffee Farmers Celebrate Judicial Order*, THE WEEKLY JOURNAL,

(2020), [https://www.theweeklyjournal.com/business/coffee-farmers-celebrate-judicial-order/article\\_fd38be30-528d-11ea-8460-fb14882ab86b.html](https://www.theweeklyjournal.com/business/coffee-farmers-celebrate-judicial-order/article_fd38be30-528d-11ea-8460-fb14882ab86b.html).

LÓPEZ, JOSÉ E RAMOS ET AL., IMPROVING QUALITY PRACTICES KNOWLEDGE TO ACCESS SPECIALTY COFFEE MARKETS 1 (2017).

López, Morales Yldefonso, *Cosas Que Tú Y Yo Sabemos* (2018),

[https://www.elvocero.com/opinion/cosas-que-t-y-yo-sabemos/article\\_66dd67d2-6924-11e8-98df-07be54a28663.html](https://www.elvocero.com/opinion/cosas-que-t-y-yo-sabemos/article_66dd67d2-6924-11e8-98df-07be54a28663.html).

López, Moreno, *Impacto Agrícola En La Zona Norte* (2017),

<https://www.informeagricola.com/impacto-agricola-en-la-zona-norte/>.

López-Bayón, Susana et al., *Governance Decisions in the Supply Chain and Quality Performance: The Synergistic Effect of Geographical Indications and Ownership Structure*, 197 INTERNATIONAL JOURNAL OF PRODUCTION ECONOMICS 1–12 (2018),

<https://linkinghub.elsevier.com/retrieve/pii/S0925527317304280> (last visited Sep 28, 2020).

Heiss, Mary Lou, *Review: A Cup of Aloha: The Kona Coffee Epic. Reviewed Work: A Cup of Aloha: The Kona Coffee Epic by Gerald Y. Kinro*, 4 GASTRONOMICA 124–125 (2004),

<https://online.ucpress.edu/gastronomica/article/4/4/124/46947/A-Cup-of-Aloha-The-Kona-Coffee-Epic> (last visited Feb 16, 2021).

Mancini, Maria Cecilia, *Geographical Indications in Latin America Value Chains: A*

*“Branding from Below” Strategy or A Mechanism Excluding the Poorest?* 32 JOURNAL OF

RURAL STUDIES 295 (2013), <https://linkinghub.elsevier.com/retrieve/pii/S0743016713000600>

(last visited Apr 11, 2020).

Manpreet, Matharu & Rafeal, Gaul, *Honolulu Coffee Artisan Kona Roasters Marketing Plan*

(2016), <https://www.slideshare.net/Moazzam56/final-report-honolulu-coffee>.

Marie-Vivien, Delphine et al., *Controversies Around Geographical Indications: Are Democracy and Representativeness the Solution?* 121 BRITISH FOOD JOURNAL 2995–3010 (2019), <https://www.emerald.com/insight/content/doi/10.1108/BFJ-04-2019-0242/full/html> (last visited May 7, 2020).

MARIE-VIVIEN, DELPHINE & THEVENOD-MOTTET, ERIK, *Legal Debates Surrounding Geographical Indications*, in LABELS OF ORIGIN FOR FOOD: LOCAL DEVELOPMENT, GLOBAL RECOGNITION (2011), <https://ebookcentral.proquest.com/lib/iub-ebooks/detail.action?docID=740102#>.

Marsi, Hassan, *Evaluating Post-Harvest Practices on the Quality and Safety of Kona Coffee*, 2019, (Dissertation, Virginia Polytechnic Institute and State University), <http://hdl.handle.net/10919/96498>.

Marshall Leaffer, *Appellations of Origin and Geographic Indications in U.S. Law after NAFTA and GATT*, 2 INT'L INTELL. PROP. L. & POL'Y 45–1 (1998).

Marshall A. Leaffer, *The New World of International Trademark Law*, 2 MARQ. INTELL. PROP. L. REV. 1 (1998).

Martens, Patrick & Soobramanien, Teddy, *Fostering Development of Local Communities Through the Protection of Traditional Knowledge and Origin Products* (2016), [https://www.researchgate.net/publication/340646083\\_Fostering\\_Development\\_of\\_Local\\_Communities\\_through\\_the\\_Protection\\_of\\_Traditional\\_Knowledge\\_and\\_Origin\\_Products](https://www.researchgate.net/publication/340646083_Fostering_Development_of_Local_Communities_through_the_Protection_of_Traditional_Knowledge_and_Origin_Products) (last visited Apr 11, 2020).

MARTÍNEZ, ANDREA, NUEVA PROMOCIÓN PARA PRODUCTOS DE AQUÍ (2011), <https://advance.lexis.com/api/permalink/8420fdf7-e80b-4d32-90c1-183b72d59f13/?context=1000516>.

MARTÍNEZ, ANDREA, DICE ADIÓS EL SECRETARIO DE AGRICULTURA (2012),

[https://advance.lexis.com/api/permalink/a206df71-a3f1-4f0e-a3b8-](https://advance.lexis.com/api/permalink/a206df71-a3f1-4f0e-a3b8-005747373b58/?context=1000516)

[005747373b58/?context=1000516](https://advance.lexis.com/api/permalink/a206df71-a3f1-4f0e-a3b8-005747373b58/?context=1000516).

MARTÍNEZ, ANDREA, CARGADA AGENDA EN EL AGRO (2012),

[https://advance.lexis.com/api/permalink/ba1f8de0-ab63-473d-9d89-](https://advance.lexis.com/api/permalink/ba1f8de0-ab63-473d-9d89-00c63acdc158/?context=1000516)

[00c63acdc158/?context=1000516](https://advance.lexis.com/api/permalink/ba1f8de0-ab63-473d-9d89-00c63acdc158/?context=1000516).

Martínez Mercado, Eliván, *Le Cambian el Sabor a Nuestro Café Comercial* (2016),

<http://periodismoinvestigativo.com/2016/02/le-cambian-el-sabor-a-nuestro-cafe-comercial/>.

Martínez Rodríguez, Sonia Isabel, *Exploratory Study on Import Promotion Services and How Those Services Could Benefit Puerto Rico's Importers*, (2015) (Master's dissertation,

University of Puerto Rico Mayagüez) <https://scholar.uprm.edu/handle/20.500.11801/91>.

Martínez, Sonia, *Conjunto Tecnológico para la Producción de Calabaza* (2012),

[https://www.uprm.edu/eea/wp-content/uploads/sites/177/2016/04/1.-CALABAZA-](https://www.uprm.edu/eea/wp-content/uploads/sites/177/2016/04/1.-CALABAZA-INTRODUCCION.pdf)

[INTRODUCCION.pdf](https://www.uprm.edu/eea/wp-content/uploads/sites/177/2016/04/1.-CALABAZA-INTRODUCCION.pdf).

MARTÍNEZ-PIVA, JORGE MARIO, KNOWLEDGE GENERATION AND PROTECTION: INTELLECTUAL PROPERTY, INNOVATION AND ECONOMIC DEVELOPMENT (2009),

<http://hdl.handle.net/11362/2006>.

Marxuach, Sergio M, *Coffee Cultivation and Economic Development in the Castañer Region*

(2012), [https://grupocne.org/wp-content/uploads/2013/09/Coffee-Cultivation-and-Economic-](https://grupocne.org/wp-content/uploads/2013/09/Coffee-Cultivation-and-Economic-Development-Final.pdf)

[Development-Final.pdf](https://grupocne.org/wp-content/uploads/2013/09/Coffee-Cultivation-and-Economic-Development-Final.pdf).

Maskus, Keith E, *Intellectual Property Challenges for Developing Countries: An Economic*

*Perspective Symposium: Intellectual Property Challenges in the Next Century*, 2001 U. ILL. L.

REV. 457-474 (2001), <https://heinonline.org/HOL/P?h=hein.journals/unilllr2001&i=469>.

Matthews, Philip, *Increasing Revenue in Developing Nations through Intellectual Property Rights: Why a Diversified Approach to Intellectual Property Protection with a Focus on Geographical Indications is the Best Method*, 7 BUFFALO INTELLECTUAL PROPERTY LAW JOURNAL 201 (2010),

<https://heinonline.org/HOL/LandingPage?handle=hein.journals/biplj7&div=12&id=&page=>.

McLaren, Dawn, *A Study of Intellectual Property Rights Protection in Developing Countries* (2003) (Master's thesis, North Carolina State University),

<https://repository.lib.ncsu.edu/bitstream/handle/1840.16/201/etd.pdf?isAllowed=y&sequence=>

1.

Medina Rivera, Zulma, *Estudio sobre las Destrezas y Habilidades de un Investigador en la Nueva Era del Conocimiento* (2009),

[https://issuu.com/coleccionpuertorriquena/docs/destrezas\\_y\\_habilidades\\_de\\_un\\_investigador\\_zulma\\_m](https://issuu.com/coleccionpuertorriquena/docs/destrezas_y_habilidades_de_un_investigador_zulma_m).

Menapace, Luisa & Moschini, Giancarlo, *Quality certification by geographical indications, trademarks and firm reputation*, 39 EUROPEAN REVIEW OF AGRICULTURAL ECONOMICS 539–566 (2012), <https://academic.oup.com/erae/article-lookup/doi/10.1093/erae/jbr053> (last visited Nov 1, 2021).

Menapace, Luisa, *Geographical indications and Quality Promotion in Food and Agricultural Markets: Domestic and International issues*, 2010, at 2807756,

<https://lib.dr.iastate.edu/etd/11532/> (last visited Nov 16, 2020).

Menapace, Luisa et al., *Consumer Preferences for Country-of-Origin, Geographical Indication, and Protected Designation of Origin Labels* (2011),

[https://lib.dr.iastate.edu/cgi/viewcontent.cgi?article=1146&context=econ\\_las\\_workingpapers](https://lib.dr.iastate.edu/cgi/viewcontent.cgi?article=1146&context=econ_las_workingpapers).

Mendelson, Richard & Wood, Zachary, *Geographical Indications in the United States: Developing a Preliminary List of Qualifying Product Names*, ORIGIN PAPER (2013), [https://www.origin-gi.com/images/stories/PDFs/English/papers/Geographical\\_Indications\\_in\\_the\\_United\\_States\\_-\\_Supporting\\_Memo\\_FINAL\\_WEB.pdf](https://www.origin-gi.com/images/stories/PDFs/English/papers/Geographical_Indications_in_the_United_States_-_Supporting_Memo_FINAL_WEB.pdf).

Méndez, Luis E. & Cortés, Mildred, *Competencia La Taza de Oro de Puerto Rico* (2015) <https://www.uprm.edu/desdelaeaa/2015/09/22/competencia-la-taza-de-oro-de-puerto-rico/>.

Méndez, Luis E. & Cortés, Mildred, *Industria del Café en Puerto Rico – Dra. Carmen Alamo* (2013) <https://www.uprm.edu/desdelaeaa/2013/09/23/industria-del-caf-en-puerto-rico-dra-carmen-alamo/>.

Méndez, Luis E. & Cortés, Mildred, *Las Implicaciones en la Diferenciación del Café* (date) <https://www.uprm.edu/desdelaeaa/2014/05/27/las-implicaciones-en-la-diferenciacion-del-caf/>.

Méndez, Luis E. & Cortés, Mildred, *Manual Gráfico para la Producción de Café de Alta Calidad, Desde la Semilla Hasta la Taza*, <https://www.uprm.edu/desdelaeaa/2018/11/05/manual-grafico-para-la-produccion-de-cafe-de-alta-calidad-desde-la-semilla-hasta-la-taza/>. (2018)

MIGHTY, MARIO, *The Jamaican Coffee Industry: Challenges and Responses to Increased Global Competition*, in GLOBALIZATION, AGRICULTURE AND FOOD IN THE CARIBBEAN, 129 (2016), 10.1057/978-1-137-53837-6\_6.

Mighty, Mario A, *Site Suitability and the Analytic Hierarchy Process: How GIS Analysis can Improve the Competitive Advantage of the Jamaican Coffee Industry*, 58 APPLIED GEOGRAPHY 84–93 (2015), <https://linkinghub.elsevier.com/retrieve/pii/S0143622815000211> (last visited Jan 19, 2021).

MONTANARI, CLAUDIO & DE ROEST, KEES, *Appendix 1: Case Studies in Europe: System V: Salumi Tipici Piacentini (Italy)*, in LABELS OF ORIGIN FOR FOOD: LOCAL DEVELOPMENT, GLOBAL RECOGNITION (2011), <http://ebookcentral.proquest.com/lib/iub-ebooks/detail.action?docID=74010>.

MONTOBBIO, FABIO & STERZI, VALERIO, *International Patenting and Knowledge Flows in Latin America*, in INTELLECTUAL PROPERTY FOR ECONOMIC DEVELOPMENT (2014).

Morales de Walters, Amparo et al., *Estudios de Lingüística Hispánica: Homenaje a María Vaquero* (1999), <https://dialnet.unirioja.es/servlet/libro?codigo=3010>.

Mrad, Fatma. *The Effects of Intellectual Property Rights Protection in the Technology Transfer Context on Economic Growth: The Case of Developing Countries*, 23 JOURNAL OF INNOVATION ECONOMICS 33 (2017), <http://www.cairn.info/revue-journal-of-innovation-economics-2017-2-page-33.htm> (last visited Nov 1, 2021).

Mueller, Benjamin, Gómez, Miguel & Recketts, Katie, *An Evaluation of Extension Services of the Colombia Coffee Growers Federation* (2013), [https://www.researchgate.net/publication/262372297\\_An\\_Evaluation\\_of\\_Extension\\_Services\\_of\\_the\\_Colombian\\_Coffee\\_Growers\\_Federation](https://www.researchgate.net/publication/262372297_An_Evaluation_of_Extension_Services_of_the_Colombian_Coffee_Growers_Federation).

Myrna, Comas Pagán, *Planificando mi finca* (2018), <https://myrnacomas.files.wordpress.com/2019/11/planificando-mi-finca-1.pdf>.

Nakamoto, Stuart T & Halloran, John M, *State of Hawaii Department of Agriculture, FINAL REPORT 64*.

Nakamoto, Stuart T & Halloran, John M & Hawaii Department of Agriculture, *Final Report: Markets and Marketing Issues of the Kona Coffee Industry* (1989), <https://www.ctahr.hawaii.edu/oc/freepubs/pdf/ITS-034.pdf>.

New York Grown and Certified Program, *Kona Coffee Farmers* (2020),

<https://certified.ny.gov/>.

New York State Grown and Certified Program, 161 New York Administrative Code (2016).

Nizzoli, Giada, *Understanding Kona Coffee Grades and Rating System*, HOMEGROUNDS

(2020), [https://www.homegrounds.co/kona-coffee-grades-rating/#What\\_is\\_Peaberry\\_Kona\\_coffee](https://www.homegrounds.co/kona-coffee-grades-rating/#What_is_Peaberry_Kona_coffee).

Noticel, Del, “*Willie Tax*” *A La Ineficiencia Municipal Por La Que Nos Quieren Hacer Pagar*

(2017), <https://www.noticel.com/ahora/20170129/del-willie-tax-a-la-ineficiencia-municipal-por-la-que-nos-quieren-hacer-p-2/>.

Noticel, *Critican exhibidor del DMO en Feria Internacional de Turismo* (2020),

<https://www.noticel.com/economia/top-stories/20200123/critican-exhibidor-del-dmo-en-feria-internacional-de-turismo/>.

Notiséis 360, *Buscan Convertir la Abeja de Puerto Rico Como Parte de Nuestro Patrimonio*

(2019), <https://www.wipr.pr/buscan-convertir-la-abeja-de-puerto-rico-como-parte-de-nuestro-patrimonio/>.

O’Neill Pumarada, Dr. Luis & Pumarada, Arq. Rafael, *Contexto Histórico: Industria*

*Cafetalera en Puerto Rico 1736-1969* (1989),

[https://www.academia.edu/15588299/Contexto\\_histórico\\_del\\_café\\_en\\_Puerto\\_Rico\\_1736-1969](https://www.academia.edu/15588299/Contexto_histórico_del_café_en_Puerto_Rico_1736-1969).

OECD, *OECD Review of Agricultural Policies: Colombia 2015* (2015), [https://www.oecd-](https://www.oecd-ilibrary.org/agriculture-and-food/oecd-review-of-agricultural-policies-colombia-2015_9789264227644-en)

[ilibrary.org/agriculture-and-food/oecd-review-of-agricultural-policies-colombia-](https://www.oecd-ilibrary.org/agriculture-and-food/oecd-review-of-agricultural-policies-colombia-2015_9789264227644-en)

[2015\\_9789264227644-en](https://www.oecd-ilibrary.org/agriculture-and-food/oecd-review-of-agricultural-policies-colombia-2015_9789264227644-en) (last visited Jul 9, 2020).

OECD, *OECD Economic Surveys: Colombia 2019* (2019), <https://www.oecd->

ilibrary.org/economics/oecd-economic-surveys-colombia-2019\_e4c64889-en (last visited Nov 1, 2021).

OECD & European Commission, *Policy brief on incubators and accelerators that support inclusive entrepreneurship* (2019), [https://www.oecd-ilibrary.org/economics/policy-brief-on-incubators-and-accelerators-that-support-inclusive-entrepreneurship\\_d7d81c23-en](https://www.oecd-ilibrary.org/economics/policy-brief-on-incubators-and-accelerators-that-support-inclusive-entrepreneurship_d7d81c23-en) (last visited Feb 24, 2020).

Oficina del Gobernador, *Agricultura* (1994),

[http://gis.jp.pr.gov/Externo\\_Econ/Programa%20de%20Planificaci%C3%B3n%20Econ%C3%B3mica%20y%20Social/1994.02-Nuevo\\_Modelo\\_de\\_Desarrollo\\_Economico\\_\(Feb-1994\).pdf](http://gis.jp.pr.gov/Externo_Econ/Programa%20de%20Planificaci%C3%B3n%20Econ%C3%B3mica%20y%20Social/1994.02-Nuevo_Modelo_de_Desarrollo_Economico_(Feb-1994).pdf).

Organization for an International Geographic Indications Network, *California: news from the battle for the authenticity of “Kona Coffee”* (2019), <https://www.origin-gi.com/activities/policy-and-advocacy/item/4305-california-news-from-the-battle-for-the-authenticity-of-kona-coffee-en-GB-4.html>.

Organization for an International Geographical Indications Network, *Increase Awareness in the United States as to the Importance of Geographical Origin* (2019), <https://www.origin-gi.com/activities/policy-and-advocacy/259-advocacy-origin-alerts/14749-18-07-2019-increase-in-awareness-in-the-united-states-as-to-the-importance-of-geographical-origin.html>.

Organization for an International Geographical Indications Network, *Kona Coffee Receives the Prestigious Parmigiano-Reggiano International Award at the Slow Food Biannual Event, Turin (Italy)* (2010), <https://www.origin-gi.com/activities/events/206-origin-events-archives/4438-231010-parmigiano-reggiano-international-award-at-the-slow-food-biannual-event-en-gb-4-1.html>.

Organization for Economic Co-Operation and Development, *Appellations of Origin and*

*Geographical Indications in OECD Member Countries: Economic and Legal Implications* (2000),

<http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=COM/AGR/APM/TD/WP%282000%2915/FINAL&doclanguage=En>.

Pacheco Santa, Gabriel, *La Orden Ejecutiva Prohibe A Los Placeros Y A Vendedores Ambulantes Vender Sus Alimentos* (2020),

<https://www.elnuevodia.com/negocios/economia/notas/la-orden-ejecutiva-prohibe-a-los-placeros-y-a-vendedores-ambulantes-vender-sus-alimentos/>.

Pagán Alvarado, Ruth, *Department of Agriculture of PR Final Performance Report SCBGP FY 2014 USDA AMS AGREEMENT NUMBER 14-SBGP-PR-0043 Projects to Enhance the Competitiveness of Puerto Rico Specialty Crops: Participation in Local & International Events to Provide Market Access for Local Specialty Crop Products; the DelPaís Brand Advertising Program to Increase Sales of PR Specialty Crops Products Identified by the Seal; Placita en Plaza: Farmers marketss at Plaza Las Américas and Plaza del Caribe Shopping Malls, Proposal for the Increase in the Production of Honey in Puerto Rico, and Various Recommended Sub-Grantee Projects* (2018),

<https://www.ams.usda.gov/sites/default/files/media/PR14FinalReport.pdf>.

Pagan, Hon Myrna Comas, *Compendio Estadístico del Ingreso Bruto Agrícola* 69.

Pagan, Myrna Comas, *Programa de Comercio Internacional* 235.

Parés-Otero, Victor, *Memorial con respecto al P.C, 1257* (2019).

Partido Nuevo Progresista, *Un Modelo Para la Transformación Socioeconómica de Nuestra Isla: Compromiso con Puerto Rico* (2016),

[https://issuu.com/coleccionpuertorriquena/docs/2016\\_pnp\\_programa\\_de\\_gobierno](https://issuu.com/coleccionpuertorriquena/docs/2016_pnp_programa_de_gobierno).

Partido Popular Democrático, Un Proyecto de país Partido Popular Democrático: Programa de Gobierno 2009-2012 (2008),

[https://issuu.com/coleccionpuertorriquena/docs/2008\\_ppd\\_programa\\_de\\_gobierno](https://issuu.com/coleccionpuertorriquena/docs/2008_ppd_programa_de_gobierno).

Partido Popular Democrático, Un Nuevo Camino, Una Nueva Esperanza, Primero la Gente: Plataforma de Gobierno (2012),

<http://www.bvirtual.ogp.pr.gov/ogp/Bvirtual/reogGubernamental/PDF/Programas/P2012.pdf>.

Partido Popular Democrático, Gobierno, Economía, Vida: Plan Estratégico para Puerto Rico (2016), [https://issuu.com/coleccionpuertorriquena/docs/2016\\_ppd\\_programa\\_de\\_gobierno](https://issuu.com/coleccionpuertorriquena/docs/2016_ppd_programa_de_gobierno).

Patterson, Paul M, *State-Grown Promotion Programs: Fresher, better?* 21 CHOICES 7 (2020), <https://www.jstor.org/stable/10.2307/choices.21.1.0041>.

Paus, Marguerite, *Collective Agro-Food Initiatives and Sustainable Rural Development: Articulation Between Internal Governance and Rural Governance Illustrated by Geographic Indications from Switzerland and Serbia*, ETH ZURICH 1 BAND (2010),

<http://hdl.handle.net/20.500.11850/29576> (last visited Sep 3, 2020).

Pelatti, Luis Garcia, *Informe Económico al Gobernador* (2013),

<http://jp.pr.gov/Portals/0/Economia/Informes%20Econ%C3%B3micos%20al%20Gobernador/Informe%20Econ%C3%B3mico%20al%20Gobernador%202013.pdf?ver=2014-12-30-073341-480>.

PÉREZ, SILVERIO, LA VITRINA ROTA O ¿QUÉ CARAJOS PASÓ AQUÍ? (2018).

Pérez Vega, Ivette, *La Necesidad De Armonizar La Legislación Sobre Derechos Morales De Autor En Los Estados Unidos Y Canadá Para El Desarrollo Del Comercio Relacionado Con La Propiedad Intelectual: El Posible Papel De Puerto Rico*, 47 INTERAMERICAN UNIVERSITY OF PUERTO RICO LAW REVIEW JOURNAL 333 (2012).

Perfect Daily Grind, *La Industria de Café de Puerto Rico: Después de Huracán María* (2017), <https://www.perfectdailygrind.com/2017/11/la-industria-de-cafe-de-puerto-rico-despues-de-huracan-maria/>.

Picó, Rafael, *Diez Años de Planificación en Puerto Rico* (1952), [https://issuu.com/coleccionpuertorriquena/docs/diez\\_a\\_os\\_de\\_planificaci\\_n\\_en\\_puert](https://issuu.com/coleccionpuertorriquena/docs/diez_a_os_de_planificaci_n_en_puert).

Pomranz, Mike, *Distilleries Around the Globe Are Helping Produce Hand Sanitizer During the Coronavirus Pandemic*, FOOD AND WINE (2020), <https://www.foodandwine.com/news/distilleries-make-hand-sanitizer-alcohol>.

Presencia, *Relanzan marca “the DelPaís,”* 2–139 PRESENCIA, 2015, at 15, [https://issuu.com/presenciapr/docs/issue\\_dic\\_2\\_139](https://issuu.com/presenciapr/docs/issue_dic_2_139).

Primera Hora, *Estrenan iniciativa a favor de la agricultura* (2011), <https://www.primerahora.com/noticias/gobierno-politica/notas/estrenan-iniciativa-a-favor-de-la-agricultura/>.

Primera Hora, *Buen comienzo para los agro-empresarios boricuas* (2014), <https://www.primerahora.com/noticias/puerto-rico/notas/buen-comienzo-para-los-agroempresarios-boricuas/>.

Puerto Rico Science, Technology & Research Trust, *About the Trust* (2019), <https://prsciencetrust.org/about/>.

Quiñones-Ruiz, Xiomara F et al., *Collective Action Milieus and Governance Structures of Protected Geographical Indications for Coffee in Colombia, Thailand and Indonesia*, 14 INTERNATIONAL JOURNAL OF THE COMMONS 329 (2020).

Quiñones-Ruiz, Xiomara F et al., *Can Origin Labels Re-Shape Relationships Along International Supply Chains? – The Case of Café de Colombia*, 9 INTERNATIONAL JOURNAL OF

THE COMMONS 416 (2015), <https://www.thecommonsjournal.org/articles/10.18352/ijc.529/>.

Quiñones-Ruiz, Xiomara F et al., *Why early collective action pays off: evidence from setting Protected Geographical Indications*, 32 RENEW. AGRIC. FOOD SYST. 179–192 (2017), [https://www.cambridge.org/core/product/identifier/S1742170516000168/type/journal\\_article](https://www.cambridge.org/core/product/identifier/S1742170516000168/type/journal_article) (last visited Nov 1, 2021).

Quiñones-Ruiz, Xiomara F et al., *Adapting common rules in Geographical Indication systems – Evidence from the European Union* (date)

[https://dlc.dlib.indiana.edu/dlc/bitstream/handle/10535/10375/11J\\_Quinones-Ruiz.pdf?sequence=1&isAllowed=y](https://dlc.dlib.indiana.edu/dlc/bitstream/handle/10535/10375/11J_Quinones-Ruiz.pdf?sequence=1&isAllowed=y).

Ramírez, Rafael, *Un Nuevo Enfoque para el Análisis del Cambio Cultural en Puerto Rico*, 9 REVISTA DE CIENCIAS SOCIALES 339 (1964),

<https://revistas.upr.edu/index.php/rcs/article/view/9331/0>.

Ramos, Diego A, *Software Protection in the Commonwealth of Puerto Rico*, 14 MARSHALL J. COMPUTER & INFO. L. 745 (1996), <https://repository.law.uic.edu/jitpl/vol14/iss4/7/>.

Ramos López, José et al., *Los Cafetaleros de Puerto Rico Proyecto Mejorando la Calidad del Café de Puerto Rico Desde La Finca a la Taza: Manual Gráfico para la Producción de Café de Alta Calidad Desde la Semilla Hasta la Taza* (2017), <https://www.uprm.edu/cafe/wp-content/uploads/sites/292/2020/01/Portada-1-merged.pdf>.

RAMOS LÓPEZ, JOSÉ E. ET AL., *Procesos Esenciales para Beneficiar un Café Especial y de Alta Calidad*, in IMPROVING QUALITY PRACTICES KNOWLEDGE TO ACCESS SPECIALTY COFFEE MARKETS (2017), <https://drive.google.com/drive/folders/1QIi-BrPA-1A551W5VnygCxdpb0pEEftJ?usp=sharing>.

RAMOS LÓPEZ, JOSÉ E. ET AL., *Recolección de Café Especial y de Alta Calidad*, in IMPROVING

QUALITY PRACTICES KNOWLEDGE TO ACCESS SPECIALTY COFFEE MARKETS (2017),  
<https://drive.google.com/drive/folders/1QIi-BrPA-1A551W5VnygCxdpb0pEEftJ?usp=sharing>.

Rangnekar, Dr. Dwijen, *Demanding Stronger Protection for Geographical Indications: The Relationship Between Local Knowledge, Information and Reputation* (2004)  
[https://www.researchgate.net/publication/4777995\\_Demanding\\_Stronger\\_Protection\\_for\\_Geographical\\_Indications\\_The\\_Relationship\\_between\\_Local\\_Knowledge\\_Information\\_and\\_Reputation](https://www.researchgate.net/publication/4777995_Demanding_Stronger_Protection_for_Geographical_Indications_The_Relationship_between_Local_Knowledge_Information_and_Reputation).

RANGNEKAR, DR. DWIJEN, *Indications of Geographical Origin in Asia: Legal and Policy Issues to Resolve*, in INTELLECTUAL PROPERTY AND SUSTAINABLE DEVELOPMENT: DEVELOPMENT AGENDAS IN A CHANGING WORLD (2011).

Rangnekar, Dr. Dwijen, *The intellectual properties of geography*, 31 EUROPEAN INTELLECTUAL PROPERTY REVIEW 537 (2009),  
[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1568188](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1568188).

Rangnekar, Dr. Dwijen, *Remaking Place: The Social Construction of a Geographical Indication for Feni*, 43 ENVIRON PLAN A 2043–2059 (2011),  
<http://journals.sagepub.com/doi/10.1068/a43259> (last visited Nov 1, 2021).

Raustiala, Kal & Munzer, Stephen, *The Global Struggle over Geographic Indications*, 18 EUROPEAN JOURNAL OF INTERNATIONAL LAW 337–365 (2007),  
<https://academic.oup.com/ejil/article-lookup/doi/10.1093/ejil/chm016> (last visited Nov 16, 2020).

Reeves, Christian, *A Detailed Analysis of Puerto Rico's Tax Incentive Programs* (2017),  
<https://premieroffshore.com/detailed-analysis-puerto-ricos-tax-incentive-programs/>.

Rentas-Giusti, Laura & Rosa, Taina, *Wal-Mart to Increase Purchase of Local Products*

(2010), <https://www.farmprogress.com/vegetables/walmart-buy-more-local-produce#:~:text=%E2%80%A2%20The%20retailer%20said%20it,sold%20in%20the%20same%20state>.

REZVANI, DAVID A., *Appendix 1: Partially Independent Territories Past and Present and Appendix 4: Colonies in the International System 1900-2008*, in SURPASSING THE SOVEREIGN STATE: THE WEALTH, SELF-RULE AND SECURITY ADVANTAGES OF PARTIALLY INDEPENDENT TERRITORIES (2014).

J C Ripperton, Y Baron Goto & R K Pahau, *Coffee Cultural Practices in the Kona District of Hawaii*, 75 HAWAII AGRICULTURAL EXPERIMENT STATION BULLETIN (1935), [http://www.survivorlibrary.com/library/coffee\\_cultural\\_practices\\_in\\_the\\_kona\\_district\\_of\\_hawaii\\_1935.pdf](http://www.survivorlibrary.com/library/coffee_cultural_practices_in_the_kona_district_of_hawaii_1935.pdf).

Rivera Amill, Ricardo, *Cambio Climático, ¿Amenaza u Oportunidad? Cómo Afecta el Cambio Climático la Gestión Estratégica en los Pequeños Agronegocios*, Universidad del Este, Santa Isabel Tesina sometida al Programa Graduado en Administración de Empresas para optar por el grado de Maestría en Gerencia y Liderazgo Estratégico (2012), [https://www.academia.edu/10024470/CAMBIO\\_CLIM%C3%81TICO\\_AMENAZA\\_U\\_OPORTUNIDAD](https://www.academia.edu/10024470/CAMBIO_CLIM%C3%81TICO_AMENAZA_U_OPORTUNIDAD).

Rivera López, David, *Jornada Hostos: Algunas Consideraciones Históricas y Actuales de la Agricultura en Puerto Rico*, Red Betances: Información sobre Puerto Rico y sus luchas (2012), <http://www.redbetances.com/columnas/51-en-portada/980-david-rivera-lopez.html>.

Rivera Quiñones, Ivelisse, *Exitoso el Mercado Familiar* (2013), <https://www.pressreader.com/puerto-rico/el-nuevo-dia/20130922/281625302998577>.

Rivera Saniel, Julio, *El DMO y sus secretes* (2019),

<https://www.metro.pr/pr/blogs/2019/12/03/el-dmo-y-sus-secreteos.html>.

RIVERA ROBLES, KENNETH, *DIBUJANDO EL CAMINO A LA CIMA DE UN MEJOR PAÍS* (2019),

<https://www.doingbusiness.org/en/data/exploreconomies/puerto-rico>;

Rodríguez, Sebastián M. Torres, *The Convergence of Design Patent Law, Trademark Law and Copyright Law for Better Protection of Intellectual Property for Commercial Designs*, 5

UNIVERSITY OF PUERTO RICO BUSINESS LAW JOURNAL 122 (2014), <https://vlex.com/pr/vid/the-convergence-of-design-631556791>.

Rojas, Manuel, *Conjunto Tecnológico para la producción de cultivos*, Publicación –

Universidad de Puerto Rico, Estación Experimental Agrícola (1974),

<https://www.uprm.edu/eea/publicaciones/>.

Rosado, Vera, *Mercados Familiares Y El PAN Activan La Agricultura* (2019),

[https://www.elvocero.com/economia/mercados-familiares-y-el-pan-activan-la-agricultura/article\\_e1b1f182-83f2-11e9-8121-77322e0b142f.html](https://www.elvocero.com/economia/mercados-familiares-y-el-pan-activan-la-agricultura/article_e1b1f182-83f2-11e9-8121-77322e0b142f.html).

Ruiz Lugo, Aníbal Prof., *Delegación de Puerto Rico viaja a Hawaii* 52.

Ruiz Nieves, Ramón, *Hacia Una Reforma Del Derecho De Marcas De Fabrica en Puerto Rico*, 30 REVISTA DE DERECHO PUERTORRIQUEÑO 81 (1990),

<https://heinonline.org/HOL/LandingPage?handle=hein.journals/rvdpo28&div=12&id=&page=>

Ryan, Frances, *Briefs: Consumers Maintain Frugal Habits* (2008), [https://eds-a-ebshost-](https://eds-a-ebshost-com.proxyiub.uits.iu.edu/eds/detail/detail?vid=17&sid=ee09ee59-1723-46f4-98ee-52f1df57ef7b%40sdc-v-sessmgr03&bdata=JnNpdGU9ZWRzLWxpdmUmc2NvcGU9c2l0ZQ%3d%3d#AN=34220078&db=b9h)

[com.proxyiub.uits.iu.edu/eds/detail/detail?vid=17&sid=ee09ee59-1723-46f4-98ee-](https://eds-a-ebshost-com.proxyiub.uits.iu.edu/eds/detail/detail?vid=17&sid=ee09ee59-1723-46f4-98ee-52f1df57ef7b%40sdc-v-sessmgr03&bdata=JnNpdGU9ZWRzLWxpdmUmc2NvcGU9c2l0ZQ%3d%3d#AN=34220078&db=b9h)

[52f1df57ef7b%40sdc-v-](https://eds-a-ebshost-com.proxyiub.uits.iu.edu/eds/detail/detail?vid=17&sid=ee09ee59-1723-46f4-98ee-52f1df57ef7b%40sdc-v-sessmgr03&bdata=JnNpdGU9ZWRzLWxpdmUmc2NvcGU9c2l0ZQ%3d%3d#AN=34220078&db=b9h)

[sessmgr03&bdata=JnNpdGU9ZWRzLWxpdmUmc2NvcGU9c2l0ZQ%3d%3d#AN=3422007](https://eds-a-ebshost-com.proxyiub.uits.iu.edu/eds/detail/detail?vid=17&sid=ee09ee59-1723-46f4-98ee-52f1df57ef7b%40sdc-v-sessmgr03&bdata=JnNpdGU9ZWRzLWxpdmUmc2NvcGU9c2l0ZQ%3d%3d#AN=34220078&db=b9h)

[8&db=b9h](https://eds-a-ebshost-com.proxyiub.uits.iu.edu/eds/detail/detail?vid=17&sid=ee09ee59-1723-46f4-98ee-52f1df57ef7b%40sdc-v-sessmgr03&bdata=JnNpdGU9ZWRzLWxpdmUmc2NvcGU9c2l0ZQ%3d%3d#AN=34220078&db=b9h).

Saade Maldonado, Judith, *Productos the DelPaís: Rebranding Local Agricultural Products*

(2009) (Unpublished Master's thesis, University of Puerto Rico Rio), Sent and authorized to cite by Judith Saade Maldonado.

Sabrosía Puerto Rico, *Se Renueva Colaboración para Promover Marca "the DelPaís"* (2019), <https://www.sabrosia.pr/comida-saludable/2019/08/21/se-renueva-colaboracion-para-promover-marca-delpais.html>.

Sabrosía Puerto Rico, *SuperMax crea Colaboración para Promover Productos Agrícolas Locales* (2019), <https://activopr.com/enterate/2019/12/04/supermax-crea-colaboracion-para-promover-productos-agricolas-locales.html>.

San Francisco Bay Coffee, *The History of Kona Coffee* (2016), [https://www.youtube.com/watch?v=3SavZ\\_gEazE&list=WL&index=3&t=0s](https://www.youtube.com/watch?v=3SavZ_gEazE&list=WL&index=3&t=0s).

Sanchez, Cynthia Roman, *Fiscalizacion Etica Corporativa. Propuesta para Enmendar la General de Corporaciones de Puerto Rico y para la Creacion de la Junta Fiscalizadora de Corporaciones Privadas*, 37 REVISTA JURIDICA UNIVERSIDAD INTERAMERICANA PUERTO RICO 707 (2002), <https://heinonline.org/HOL/LandingPage?handle=hein.journals/vjuriprc37&div=41&id=&page=>

Santiago Córdova, Miguel, *Revised Annual Report and Final Performance Report Specialty Crops Block Grant 2008 Funds Under Agreement 12-15-B-0849* (2008), [https://www.ams.usda.gov/sites/default/files/media/SCBGP\\_FY%202008%20Puerto%20Rico%20Department%20of%20Agriculture%20-%20%24114%2C894.00.pdf](https://www.ams.usda.gov/sites/default/files/media/SCBGP_FY%202008%20Puerto%20Rico%20Department%20of%20Agriculture%20-%20%24114%2C894.00.pdf).

Santiago Córdova, Miguel, *USDA AMS Agreement Number 12-25-B-0915 2009 Revised Final Report Projects to Enhance the Competitiveness of Puerto Rico Specialty Crops* (2012), [https://www.ams.usda.gov/sites/default/files/media/SCBGP\\_FY%202009%20Puerto%20Rico](https://www.ams.usda.gov/sites/default/files/media/SCBGP_FY%202009%20Puerto%20Rico)

%20Department%20of%20Agriculture%20-%20%24363%2C961.04.pdf.

Santiago, Jaime, “*Cosecha y Crianza*” *Marketing Campaign Harvests Interest in Puerto Rico Foods*, 39 CARIBBEAN BUSINESS 72 (2011), <https://search-ebshost-com.proxyiub.uits.iu.edu/login.aspx?direct=true&db=b9h&AN=67736209&site=eds-live&scope=site>.

Santiago, Jaime, “*Cosecha y Crianza*”: *A New Approach to Market Local Agricultural Products*, 40 CARIBBEAN BUSINESS 18 (2012), <https://search-ebshost-com.proxyiub.uits.iu.edu/login.aspx?direct=true&db=b9h&AN=79967716&site=eds-live&scope=site>.

Santiago, Pedro, *Cooperativa de Porcicultores Presentan Su Marca; Cerdo Rico 100% de Puerto Rico* (2017), <https://www.informeagricola.com/cooperativa-porcicultores-presentan-marca-cerdo-rico-100-puerto-rico/>.

SAUTIER, DENIS, BIÉNABE, ESTELLE & CERDAN, CLAIRE, *Geographical Indications in Developing Countries*, in LABELS OF ORIGIN FOR FOOD: LOCAL DEVELOPMENT, GLOBAL RECOGNITION (2011), <http://ebookcentral.proquest.com/lib/iub-ebooks/detail.action?docID=74010>.

Sentrini, Gustavo, *Cultivating New Development Paths: Food and Agriculture Entrepreneurship in Puerto Rico*, PUERTO RICO ECONOMY PROJECT WORKING PAPER MIT POLITICAL SCIENCE DEPARTMENT (2012), [http://a\\_bryson.scripts.mit.edu/puertorico/wp-content/uploads/2012/09/Setrini-Agriculture-Entrepreneurship-Puerto-Rico-Sept-2012.pdf](http://a_bryson.scripts.mit.edu/puertorico/wp-content/uploads/2012/09/Setrini-Agriculture-Entrepreneurship-Puerto-Rico-Sept-2012.pdf).

Serrano Ocasio, Gabriela, *The Agroecological Movement as a Development Actor in Puerto Rico: A Study on the Role of Short Food Production Chains in the Promotion of Agroecology as an Alternative Model of Local Development* (2017) (Master’s thesis, Georgetown

University), <https://ri.unsam.edu.ar/handle/123456789/222>.

Shahbandeh, M. *Corn Statistics and Facts* (2020), <https://www.statista.com/topics/986/corn/>.

Skeel, David, *Reflections on Two Years of PROMESA*, 3 REVISTA JURIDICA UPRRP 862 (2018), <http://revistajuridica.uprrp.edu/wp-content/uploads/2018/06/09-2-years-of-PROMESA-1.pdf>.

Southichack, Mana K, *Structural Change and Its Effects on Farm Operations* (2006), <https://hdoa.hawaii.gov/wp-content/uploads/2013/01/Coffee-industry-structural-change-FINAL.pdf>.

Spector, Joseph & Schuhmacher, Tracy, *Attention shoppers: What do those New York-made labels really mean?* (2018), <https://www.lohud.com/story/news/2018/03/13/new-york-made-labels/32886949/>.

State of Hawaii Agricultural Development Division, *Marketing Development Branch: Marketing Program*, HAWAII DEPARTMENT OF AGRICULTURE (2020), <http://hdoa.hawaii.gov/add/md/> (last visited Apr 7, 2020).

State of Hawaii Department of Agriculture, *Market Analysis and New Branch, Coffee Acreage, Yield, Production, Price and Value State of Hawaii* (2020), <https://hawaiicoffeeassoc.org/resources/Documents/HDOA%20Update%20-%20Coffee%20Stats%202019.pdf>.

Statista, *Alcoholic beverage sales in the U.S., 2019* (2019), <https://www.statista.com/statistics/207936/us-total-alcoholic-beverages-sales-since-1990/> (last visited Mar 29, 2021).

Statista & Conway, J, *Tequila Statistics and Facts* (2020), <https://www.statista.com/topics/2060/Tequila/>.

Steven, Michael & Pearce, John, *The Need for Innovation as a Rationale for Government Involvement in Entrepreneurship*, 21 ENTREPRENEURSHIP & REGIONAL DEVELOPMENT 285 (2009),

<https://www.tandfonline.com/doi/abs/10.1080/08985620802279999?journalCode=tepn20#:~:text=Governments%20around%20the%20world%20seek,justification%20for%20such%20intervention%20varies.&text=Innovation%20does%20raise%20competition%2C%20lower,wealth%20for%20individuals%20and%20nations>.

Suárez-Gómez, William & Ayala-Cruz, Jorge, *El cabotaje marítimo en la cadena de suministros agrícola de Puerto Rico*, 32 ESTUDIOS GERENCIALES 250–261 (2016), <http://linkinghub.elsevier.com/retrieve/pii/S0123592316300456> (last visited Nov 16, 2020).

Super Econo supermarket, *Econo Shopper* (2020), <https://www.superecono.com/shopper/>.

Superintendencia de Industria y Comercio, *Denominaciones de Origen y marcas no tradicionales: Documento Técnico* (2013),

[https://www.academia.edu/35829079/DENOMINACIONES\\_DE\\_ORIGEN\\_Y\\_MARCAS\\_NO\\_TRADICIONALES\\_DOCUMENTO\\_TÉCNICO](https://www.academia.edu/35829079/DENOMINACIONES_DE_ORIGEN_Y_MARCAS_NO_TRADICIONALES_DOCUMENTO_TÉCNICO).

Superintendencia de Industria y Comercio, *Resolución Número 4819 de 2005*.

Superintendencia de Industria y Comercio, Gobierno de Colombia, & Ministerio de Comercio, Industria y Turismo, *Manual Denominaciones de Origen* (2013),

[https://www.sic.gov.co/sites/default/files/files/Nuestra\\_Entidad/Publicaciones/Cartilla\\_Manual\\_Denominaciones\\_Origen.pdf](https://www.sic.gov.co/sites/default/files/files/Nuestra_Entidad/Publicaciones/Cartilla_Manual_Denominaciones_Origen.pdf).

Sylander, Bertil, Allaire, Gilles & Cerdan, Claire, *Globalization and Geographical Indications*, in LABELS OF ORIGIN FOR FOOD: LOCAL DEVELOPMENT, GLOBAL RECOGNITION (2011), <http://ebookcentral.proquest.com/lib/iub-ebooks/detail.action?docID=74010>.

Szirmai, Adam, Naudé, Wim & Goedhuys, Micheline, *Entrepreneurship, Innovation, and Economic Development: An Overview*, in ENTREPRENEURSHIP, INNOVATION, AND ECONOMIC DEVELOPMENT (2011), <https://www-oxfordscholarship-com.proxyiub.uits.iu.edu/view/10.1093/acprof:oso/9780199596515.001.0001/acprof-9780199596515>.

Target News Service, *USDA Announces Agricultural Marketing System Grants to 19 States and Puerto Rico to Expand Product Reach* (2011), <https://proxyiub.uits.iu.edu/login?qurl=https%3A%2F%2Fwww.proquest.com%2Fdocview%2F876049299%3Faccountid%3D11620>.

Tashiro, Ai, Uchiyama, Yuta & Kohsaka, Ryo, *Internal Processes of Geographical Indication and Their Effects: An Evaluation Framework for Geographical Indication Applicants in Japan*, 5 JOURNAL OF ETHNIC FOODS 202–210 (2018), <https://linkinghub.elsevier.com/retrieve/pii/S2352618118301276> (last visited Aug 12, 2020).

Taste Tequila, *How Not to start a Tequila Brand* (2020), <https://tasteTequila.com/2020/how-not-to-start-a-Tequila-brand/>.

Teissonnière Ortizq, Arnaldo, *Situación de Puerto Rico frente al Derecho Internacional, con especial referencia al Derecho Internacional del Trabajo y la Participación en la OIT*, 12 CUADERNOS DE ESTUDIOS EMPRESARIALES 325 (2002), <https://dialnet.unirioja.es/servlet/articulo?codigo=624629>.

The Government of Jamaica, *Introduction, About Coffee, Background, Licensing & Permits, Industry Concerns and Current Projects*, Jamaica Agricultural Commodities Regulatory Authority (2021), <http://jacra.org/divisions/coffee/introduction/>.

The Institute for Regional Conservation, *Agro Green Guide, Plants of the Island of Puerto*

Rico (2001), [https://www.regionalconservation.org/ircs/database/site/Guia\\_VerdePR.asp](https://www.regionalconservation.org/ircs/database/site/Guia_VerdePR.asp).

Török, Áron & Moir, Hazel V. J., *The Market Size for GI Food Products – Evidence from the Empirical Economic Literature*, 120 STUDIES IN AGRICULTURAL ECONOMICS 134–142 (2018), [https://ageconsearch.umn.edu/record/280975/files/Studies%20120\\_3\\_TOROK\\_1816.pdf](https://ageconsearch.umn.edu/record/280975/files/Studies%20120_3_TOROK_1816.pdf) (last visited Jan 28, 2021).

Torres Rodríguez, Greighton Francisco, *El Efecto Del Tratado De Libre Comercio De Estados Unidos Con Centroamérica Y República Dominicana (Dr-Cafta) En El Desarrollo Económico De Puerto Rico*, LV Horizontes Revista de la Pontificia Universidad Católica de Puerto Rico 21–26 (2012), [https://publicaciones.pucpr.edu/version\\_digital/revista\\_horizontes\\_LV\\_106-107/27/#zoom=z](https://publicaciones.pucpr.edu/version_digital/revista_horizontes_LV_106-107/27/#zoom=z).

TREBILCOCK, MICHAEL & PRADO, MARIANA MOTA, ADVANCED INTRODUCTION TO LAW AND DEVELOPMENT (2014), <https://www.e-elgar.com/shop/gbp/advanced-introduction-to-law-and-development-9781783473380.html>.

TREGEAR, ANGELA & GIRAUD, GEORGES, *Geographical Indications, Consumers and Citizens*, in LABELS OF ORIGIN FOR FOOD: LOCAL DEVELOPMENT, GLOBAL RECOGNITION (2011), <https://www.cabi.org/cabebooks/ebook/20113165522>.

United Nations Conference on Trade and Development, *Why Geographical Indications for Least Developed Countries?* (2015), [https://unctad.org/en/PublicationsLibrary/aldc2015d4\\_en.pdf](https://unctad.org/en/PublicationsLibrary/aldc2015d4_en.pdf).

United States Department of Agriculture, *Hawaii State and County Data* (2017), [https://www.nass.usda.gov/Publications/AgCensus/2017/Full\\_Report/Volume\\_1,\\_Chapter\\_2\\_County\\_Level/Hawaii/hiv1.pdf](https://www.nass.usda.gov/Publications/AgCensus/2017/Full_Report/Volume_1,_Chapter_2_County_Level/Hawaii/hiv1.pdf).

United States Department of Agriculture & Puerto Rico Department of Agriculture,

*Agricultural Statistics Island Level Search All Crops*, USDA CARIBBEAN CLIMATE HUB (2020), [https://caribbeanclimatehub.org/estadisticasagricolas/?page\\_id=2372&lang=en](https://caribbeanclimatehub.org/estadisticasagricolas/?page_id=2372&lang=en).

USDA, *Census of Agriculture: Puerto Rico Island and Regional Data* (2017), [https://www.nass.usda.gov/Publications/AgCensus/2017/Full\\_Report/Outlying\\_Areas/Puerto\\_Rico/prv1.pdf](https://www.nass.usda.gov/Publications/AgCensus/2017/Full_Report/Outlying_Areas/Puerto_Rico/prv1.pdf).

USDA, *The Economics of Local Food Systems A Toolkit to Guide Community Discussions, Assessments and Choices* (2017), <https://www.ams.usda.gov/sites/default/files/media/EconomicsofLocalFoodSystemsToolkit.pdf>.

USDA, *Local Food Sales Continue to Grow Through a Variety of Marketing Channels* (2021), <https://www.ers.usda.gov/amber-waves/2021/october/local-food-sales-continue-to-grow-through-a-variety-of-Marketing-channels/>.

USDA et al., *Running a Food Hub: A Business Operations guide* (2015), [https://webcache.googleusercontent.com/search?q=cache:VG1ANN8AACwJ:https://www.rd.usda.gov/files/SR\\_77\\_Running\\_A\\_Food\\_Hub\\_Vol\\_2.pdf+&cd=1&hl=en&ct=clnk&gl=us&client=firefox-b-1-d](https://webcache.googleusercontent.com/search?q=cache:VG1ANN8AACwJ:https://www.rd.usda.gov/files/SR_77_Running_A_Food_Hub_Vol_2.pdf+&cd=1&hl=en&ct=clnk&gl=us&client=firefox-b-1-d).

USDA AMS, *Programa de Promoción del Mercado Agrícola, Contract Number USDA-AMS-TM-FMPP-G-16-0002* (2016), [https://www.ams.usda.gov/sites/default/files/media/2016\\_FMPP\\_RFA\\_02-22-2016%20\(Spanish\).pdf](https://www.ams.usda.gov/sites/default/files/media/2016_FMPP_RFA_02-22-2016%20(Spanish).pdf).

Vakoufaris, Hristos et al., *Protected Geographical Indications and the Landscape: Towards a Conceptual Framework*, 15<sup>th</sup> Council of Europe Meeting of the Workshops for the implementation of the European Landscape Convention ‘Sustainable Landscapes and

Economy: At: Urgup, Nevşehir, Turkey (2014), <http://rgdoi.net/10.13140/2.1.4473.7282> (last visited Aug 12, 2020).

VALENS, KEJA, *A Little Puerto Rican Food Culture*, I&II in REFLECTIONS ON WEST INDIAN LITERATURE: TALKING ABOUT CULTURE (2016), <https://ufdc.ufl.edu/UF00096005/00043>.

Vandecandelaere, Emilie et al., *Strengthening Sustainable Food Systems Through Geographical Indications: An Analysis of Economic Impact* (2018), <http://www.fao.org/3/a-i8737en.pdf>.

Vandecandelaere, Emilie et al., *Economic Impacts of Geographical Indications: Worldwide Evidence from Nine Case Studies*, 1 13<sup>th</sup> European IFSA SYMPOSIUM 18 (2018), [https://www.researchgate.net/publication/334315797\\_Economic\\_Impacts\\_of\\_Geographical\\_Indications\\_Worldwide\\_Evidences\\_from\\_9\\_Case\\_Studies](https://www.researchgate.net/publication/334315797_Economic_Impacts_of_Geographical_Indications_Worldwide_Evidences_from_9_Case_Studies).

Vázquez, Carlos, *USDA AMS Agreement Number 12-25-B-1060 (2010-FB) Final Performance Report Projects to Enhance the Competitiveness of Puerto Rico Specialty Crops Through A State Buy Local Promotion Plan And Various Recommended Sub-Grantee Projects* (2014),

[https://www.ams.usda.gov/sites/default/files/media/SCBGP\\_FY%202010%20Puerto%20Rico%20Department%20of%20Agriculture%20-%20%24400%2C09774.pdf](https://www.ams.usda.gov/sites/default/files/media/SCBGP_FY%202010%20Puerto%20Rico%20Department%20of%20Agriculture%20-%20%24400%2C09774.pdf).

Vera Rodríguez, Coral M., *Las Ideas Son Nuestras y De Nadie: Alternativas a la Propiedad Intelectual y Su Acceso*, 86 REVJURUPR 945 (2017), <http://revistajuridica.uprrp.edu/2017/07/06/las-ideas-son-nuestras-y-de-nadie-alternativas-a-la-propiedad-intelectual-y-su-acceso/>.

Villamil, José, *La Marca País*, 4 PERSPECTIVAS (2013), <http://www.estudiostecnicos.com/pdf/perspectivas/2013/abril2013.pdf>.

Vitrolles, Delphine, *When Geographical Indication Conflicts with Food Heritage Protection*, 8 OPEN EDITION JOURNALS 1 (2011), <https://journals.openedition.org/aof/6809>.

Walmart.com, *Walmart Puerto Rico search keywords: “del país, the DelPais”* (2020), <https://www.walmart.com/search/?query=delpa%C3%ADs>.

Williams, Rachael M, *Do Geographical Indications Promote Sustainable Rural Development? Two UK Case Studies and Implications for New Zealand Rural Development Policy* (2007) (PhD dissertation, Lincoln University), <https://hdl.handle.net/10182/585>.

Wish, John. & Harrison, Kelly *Marketing: One Answer to Poverty; Food Marketing and Economic Development in Puerto Rico, 1950-1965* (1969), [https://pdf.usaid.gov/pdf\\_docs/PNAAC253.pdf](https://pdf.usaid.gov/pdf_docs/PNAAC253.pdf).

Woodill, A John et al., *The Economics of Coffee Production in Hawai‘i*, EL-25 ECONOMIC ISSUES 9 (2014), <https://www.ctahr.hawaii.edu/oc/freepubs/pdf/EI-25.pdf>.

World Intellectual Property Organization, *In Search of a Perfect Cup*, IP ADVANTAGE (2012), <https://www.wipo.int/ipadvantage/en/details.jsp?id=2612>.

World Intellectual Property Organization (WIPO), *Summary of the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration (1958)* (2020), [https://www.wipo.int/treaties/en/registration/lisbon/summary\\_lisbon.html](https://www.wipo.int/treaties/en/registration/lisbon/summary_lisbon.html).

World Intellectual Property Organization (WIPO), *Summary of the Paris Convention for the Protection of Industrial Property (1883)* (2020), [https://www.wipo.int/treaties/en/ip/paris/summary\\_paris.html](https://www.wipo.int/treaties/en/ip/paris/summary_paris.html).

World Trade Organization (WTO), *Overview: the TRIPS Agreement* (2020) [https://www.wto.org/english/tratop\\_e/trips\\_e/intel2\\_e.htm](https://www.wto.org/english/tratop_e/trips_e/intel2_e.htm) (last visited Jan 14, 2022).

Yo Soy Walmart PR, *Walmart Puerto Rico*, Facebook Page (2019),

<https://www.facebook.com/YoSoyWalmartPR/posts/890339077974935>.

Yoshida, Shohei, Interaction Between Human Experience, Landscape, and Coffee Production in the Blue Mountain Region of Jamaica (2016) (Master's thesis, Western Michigan University), [https://scholarworks.wmich.edu/masters\\_theses/684](https://scholarworks.wmich.edu/masters_theses/684).

Zappalaglio, Andrea, Guerrieri, Flavia & Carls, Suelen, *Sui Generis Geographical Indications for the Protection of Non-Agricultural Products in the EU: Can the Quality Schemes Fulfil the Task?* 51 IIC - INTERNATIONAL REVIEW OF INTELLECTUAL PROPERTY AND COMPETITION LAW 31–69 (2020), <http://link.springer.com/10.1007/s40319-019-00890-1> (last visited Mar 31, 2020).

ZAYAS GARCÍA, ERNESTO, DERECHO AGRARIO PUERTORRIQUEÑO: ASPECTOS LEGALES, REGLAMENTARIOS Y DE CUMPLIMIENTO CON MAYOR IMPORTANCIA PARA LA AGRICULTURA (2021).

#### **TABLE OF LEGISLATION**

1996 PR LAW 238, Ley para el Ordenamiento de las Industrias Agropecuarias de Puerto Rico, 5 LPRA 3051–3061 (1996).

2015 PR LAW 232, Ley de Denominación de Origen del Café Puertorriqueño, 10 LPRA 4201–4212 (2015).

2015 PR Law 63, Ley para la Organización y Desarrollo de Mercados Agrícolas Familiares en Puerto Rico, 5 LPRA 4711–4717.

H.B 1257, "Para enmendar la Ley Núm. 195-2016, conocida como la “Ley para el Uso de la Marca the DelPaís”, con el fin de crear una nueva marca denominada “Producto de Puerto Rico”, 18 va. Asamblea Legislativa de la Camara, 2da. Sesión Ordinaria (referred back to Comisión(es): Comisión de Desarrollo Económico Planificación, Telecomunicaciones, Alianzas Público-Privadas y Energía), (2017).



Ley Para adoptar la “Ley para el Uso de la Marca the DelPais”, a los fines de elevar a rango de ley la marca “the DelPaís”, utilizada para identificar los productos agrícolas locales, y garantizar que su uso sea adecuado; establecer las obligaciones del Departamento de Agricultura y sus dependencias adscritas; proveer para la adopción de reglamentación; y para otros fines relacionados, 44535 (2016).

LEY Para crear la “Ley de Denominación de Origen de Puerto Rico” a los fines de mantener la alta calidad y buen nombre de los bienes y productos fabricados y cultivados en el País; para facultar al secretario de Estado a crear el Reglamento de la Denominación de Origen; para facultar a las agencias concernientes para la inspección de los productos bajo la Denominación de Origen de Puerto Rico y; para otros fines., 21401 (2014).

Ley para el Desarrollo de una Marca País, 2013 PR LAW 70, 2013 PR H.B. 4, 16ta Asamblea Legislativa—6ta Sesión Ordinaria Avances Legislativos De Puerto Rico.

Ley Para el Uso de la Marca the DelPais, 2016 PR LAW 195, 5 LPRA (2016).

Ley Para Establecer la Carta de Derechos y Deberes del Agricultor, 2006 PR LAW 39, 5 LPRA 1155 (2006).

Ley Para la Promoción de Puerto Rico como Destino, 2017 PR LAW 17, 23 LPRA 6982 (2017).

Ley Para Prohibir la Rotulación, Promoción y Venta Ilegal de la Miel y sus Productos Derivados, 2015 PR LAW 128, 5 LPRA 3081–3085 (2015).

Merchant Marine Act of 1920, Jones Act, 46 USC 50102 (1920),

<https://www.law.cornell.edu/uscode/text/46/50102>.

Organic Act of 1900, Foraker Act of 1900, 1 LPRA Cap. 191 Stat. 77 (1900),

<https://govtrackus.s3.amazonaws.com/legislink/pdf/stat/31/STATUTE-31-Pg77.pdf>.

Para crear la “Ley de las Denominaciones Denominación de Origen del Café de Puerto Rico

Puertorriqueño” a los fines de asegurar el prestigio y la exportación del café puertorriqueño y posicionar a la industria de café como motor de crecimiento económico; derogar la Ley Núm. 60 de 19 de junio de 1964; y para otros fines, 30154.

Para enmendar el Artículo 3 de la “Ley para la Protección y Preservación de los Polinizadores de Puerto Rico”, Ley 156-2016, para establecer y reglamentar la apicultura urbana; añadir los Artículos 5, 6, 7, 8 y 9 y reenumerar el actual Artículo 5 como Artículo 10, con el fin de darle una mayor protección a la abeja que habita e imponer penalidades; declarar la abeja como patrimonio puertorriqueño; y para otros fines. 112 PR LAW (2020).

Para enmendar los incisos (d) y (e) de la Sección 5031.13 y los párrafos (1) y (4) del inciso (l) de la Sección 6053.01 de la Ley 1–2011, según enmendada, conocida como “Código de Rentas Internas para un Nuevo Puerto Rico” (Rum of Puerto Rico), 2011 PR LAW 248, 13 LPRA 32483 (2011).

Para Reconocer y Declarar el Lechón Asado Puertorriqueño Como Patrimonio Cultural, 180 PR LAW (2019).

Protección de los Productos de Puerto Rico, 1913 PR LAW 50, 10 LPRA 208–212 (1913).

S.B 671, Para adoptar una nueva ley para regir a la Asociación de Productos de Puerto Rico Inc. y derogar la Ley Núm. 50 de 13 de marzo de 1913 disponer para la aplicación y vigencia de sus disposiciones y para otros fines relacionados. (remited to Remitido a la Comisión de Reglas Calendario y Asuntos Internos del Senado), (2014).

S.B 952 Para crear la “Ley de Denominación de Origen de Puerto Rico” a los fines de mantener la alta calidad y buen nombre de los bienes y productos fabricados y cultivados en el País; para facultar al secretario de Estado a crear el Reglamento de la Denominación de Origen; para facultar a las agencias concernientes para la inspección de los productos bajo la Denominación

de Origen de Puerto Rico y; para otros fines, (2014).

S.B 974, Para enmendar el Artículo 3 de la “Ley para la Protección y Preservación de los Polinizadores de Puerto Rico”, 2016 PR LAW 156, para establecer y reglamentar la apicultura urbana; añadir los Artículos 5, 6, 7, 8 y 9 y reenumerar el actual Artículo 5 como Artículo 10, con el fin de darle una mayor protección a la abeja que habita e imponer penalidades; declarar la abeja como patrimonio puertorriqueño; y para otros fines., (2020).

S.B. 1288, Para reconocer y declarar el lechón asado puertorriqueño como Patrimonio Cultural Gastronómico de Puerto Rico, 2019 PR LAW 180, a los fines de conservar, valorizar y promover sus aportes a la gastronomía, cultura, tradiciones e identidad boricua; establecer el Registro de Patrimonio Cultural Gastronómico de Puerto Rico y de esta manera convertirlo en un atractivo turístico de gran interés para turistas locales e internacionales; y para otros fines., (2019).

S.B. 400, Para adoptar una nueva ley para regir a la Asociación de Productos de Puerto Rico, Inc. y derogar la Ley Núm. 50 de 13 de marzo de 1913 (1913 PRA LAW 50), disponer para la aplicación y vigencia de sus disposiciones y para otros fines relacionados, (2013).

S.B. 951 Para crear la "Ley de Denominación de Origen del Café Puertorriqueño " 2015 PR LAR 232 a los fines de asegurar el prestigio y la exportación del café puertorriqueño y posicionar a la industria del café como motor de crecimiento económico; enmendar la Ley Núm. 60 de 19 de junio de 1964; y para otros fines., (2015).

#### **TABLE OF CASES**

Commonwealth v. Northwestern Selecta, Inc, 185 40 (2012).

Puerto Rico Coffee Roasters LLC v. Pan American Grain Manufacturing, Inc., 2015 U.S Dist. LEXIS 166585 (2015).

Puerto Rico v. Franklin Cal. Tax-Free Trust, 136 1938.

Cooperativa Cafetaleros v. Colón, 91 DPR 372 (1964).

Delaware & Hudson Canal Co v. Clark, 80 U.S. 311 (1871).

Eneglotaria Medicine Co. v. Sosa López, 38 DPR 604 (1928).

### INTERVIEWS

Interview with Jefferey Caraballo PhD in Agricultural Science, Interview About the environment within the Kona GI system (October 14, 2020).

Interview with Jorge Ochoa, Egg producer of Ochoa Poultry Farms, Interview About DelPaís history, experience, benefits and issues in Zoom (Oct 15, 2020).

Interview with Manuel Cidre, Secretary of Development and Commerce, Interview About Association of Products of Puerto Rico and interactions with DelPaís Law in Zoom, (Oct 16, 2020)

Interview with Alexandra Gregory Crespo, Agricultural Economist, Interview About agricultural statistics of DelPaís Mark and Law in Zoom, (Nov 30, 2020).

Interview with Liliana Cubano, Ex-President of Association of Made in Puerto Rico, Interview About Association of Products of Puerto Rico and Made in Puerto Rico in Zoom, (Oct 17,2020).

Interview with Judith Saade Maldonado, Doctor in Marketing, Interview About DelPaís Mark and Law and dissertation in Zoom, (Dec 14, 2020).

Interview with Carmen Alamo, Agricultural Economist, Interview About Denominations of Origin for Puerto Rican Coffee and DelPaís Law in Zoom, (Oct 22, 2020).

Interview with José Alameda, Economist, Interview About economic impact and data of DelPaís Mark and Law in Zoom, (Oct 28, 2020).

Interview with Juan Lara, Economist, Interview About economic impact and data of DelPaís Mark and Law in Zoom, (Oct 17, 2020).

Interview with Heriberto Martínez, Economist, Interview About economic impact and data of DelPaís Mark and Law in Zoom, (Oct 16, 2020).

Interview with José Villamil, Economist, Interview About economic impact and data of DelPaís Mark and Law in Zoom, (Oct 8, 2020).

Interview with Yanis Rosana Blanco Santiago, Attorney, Interview About geographical indications, international treaties and DelPaís as a GI in Zoom, (Oct 13, 2020).

Interview with Victor Rodríguez, Attorney, Interview About intellectual property in Puerto Rico in Zoom, (Oct 13, 2020).

Interview with Agnes Crespo, Attorney, Interview About legal and institutional procedures, issues and other information of DelPaís Mark and Law in Zoom, (Oct 20, 2020).

Interview with Ramón Ruiz Nieves, Congressperson Interview About legislative considerations, history and process to make DelPaís Law in Zoom, (Dec 9, 2020).

Interview with Eliezer Molina, Farmer, Interview About agricultural industry, The DelPaís Mark and Department of Agriculture in Zoom (Feb 8, 2021).

Interview with Denis Felix, Employee at Supermax Supermarket, Interview About Supermarket experience with the Puerto Rican Department of Agriculture and The DelPaís Mark and Law in Zoom, (Dec 1, 2020).

Interview with José Torres, Economist, Interview About Agricultural Extension Services, collaborations with the Department of Agriculture and the DelPaís Mark in Zoom, (Mar 1, 2021)

Interview with Dr. Myrna Comas Pagán, Ex Secretary of Agriculture, Interview About benefits, issues, goals, and other information of DelPaís Law and Mark in Zoom, (Oct 9, 2020).

Interview with Empleado Departamento de Agricultura de Puerto Rico, Anonymous Employee, Interview About procedural steps, benefits, issues, history and other information of DelPaís Mark and Law in Zoom, (Dec 9, 2020).

Interview with Amarilis De Jesús Lorca, Department of Agriculture Employee, Interview About

DelPaís Mark and Law procedures and training in Zoom (Oct 9, 2020)

Interview with Ángel Rodríguez, President of the Asociacion de Procicultores de Puerto Rico,

Interview About association of pork meat producers, Geographical Indications and Department of Agriculture in Zoom, (Feb 24, 2021).;

Interview with Eliacim Caraballo, Farmer, Interview About agricultural industry, extension services, Department of Agriculture in zoom (Feb 4, 2021).

Interview with Irene Calboli, Geographical Indications Expert, Interview About Geographical Indications in Puerto Rico, International law, and general dissertation tips in Zoom (Feb 24, 2021).

Interview with Alejandro García Padilla, Ex-Governor and Farmer, Interview About Department of Agriculture, Agricultural industry plans, life after governing in Zoom, (Feb 18, 2021);

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