

## THE NATIONAL SPATIAL DATA INFRASTRUCTURE OF BRAZIL (INDE) MAKING VISIBLE SOME INVISIBLE: THE CASE OF THE BRAZILIAN GEOGRAPHICAL INDICATIONS

*A Infraestrutura Nacional de Dados Espaciais do Brasil (INDE) Tornando Visíveis  
Alguns Invisíveis: o Caso das Indicações Geográficas Brasileiras*

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### ABSTRACT

The Brazilian Institute of Geography and Statistics - IBGE and the National Institute of Industrial Property – INPI, established a partnership with the goal of establishing technical, scientific, educational and cultural cooperation between the Institutions, aiming the development and the execution of joint actions for standardizations, spread and support to execution of spatial analyses to inclusion of the Geographic Indications, according to Legislative Decree 6.666/2008, which regulate the National Spatial Data Infrastructure (INDE) in Brazil. Both IBGE and INPI in the context of their specializations, collaborate in making visible, though the grant of registration of geographical indications and its cartographic representation, the activities of sustainable development developed by some brazilians local productive arrangements. This fact is determinant to the economic development of the area in which are inserted those Geographical Indications. The aim of this paper is to explicit the example of some Brazilian Geographical Indications, made visible in the country with the help of its insertion in the National Spatial Data Infrastructure (INDE), the main repository of Brazilian geospatial information through their inclusion in the Cartographic Base Continuous from Brazil on scale of 1:1.000.000 – BCIM as an area of development and control.

**Keywords:** Geographical Names, Geographical Indications, Toponymy, Intellectual Property, National Spatial Data

Infrastructure.

## RESUMO

O Instituto Brasileiro de Geografia e Estatística – IBGE e o Instituto Nacional da Propriedade Industrial - INPI estabeleceram parceria com o objetivo de estabelecer cooperação técnica, científica, educacional e cultural entre os Partícipes, visando o desenvolvimento e a execução de ações conjuntas para normalização, suporte a análise espacial, difusão e o fortalecimento das Indicações Geográficas e sua inclusão, conforme decreto lei nº 6.666/2008, na Infraestrutura Nacional de Dados Espaciais. Tanto o IBGE quanto o INPI no contexto das suas especializações, colaboram no sentido de tornar visível, por meio da concessão do registro das Indicações Geográficas e da sua representação cartográfica, as atividades de desenvolvimento sustentável desenvolvida por alguns Arranjos Produtivos Locais brasileiros. Este fato é determinante para o desenvolvimento econômico do local no qual se encontram inseridas estas Indicações Geográficas. O objetivo deste artigo será o de explicitar o exemplo das Indicações geográficas brasileiras, tornadas visíveis no território nacional com o auxílio da sua inserção na Infraestrutura Nacional de Dados Espaciais (INDE), principal repositório das informações geoespaciais brasileiras, através de sua inclusão na Base Cartográfica Contínua do Brasil, ao milionésimo (BCIM), como área de desenvolvimento e controle.

**Palavras chaves:** Nomes Geográficos, Indicações Geográficas, Toponímia, Propriedade Intelectual, Infraestrutura Nacional de Dados Espaciais.

### 1. GEOESPATIAL INFORMATION

According to the Action Plan for the Implementation of the National Infrastructure of Spatial Data in Brazil - INDE (2010), these structures are considered an essential activity for good management system in several countries in which has been deployed.

All theoretical framework that supports the structures and geospatial data inserts with a significant weight in the context of some notable contemporary demands such as knowledge management, territorial and environmental management, risk mitigation and natural phenomena impact and especially management of social and investment programs, which are widely inserted the Local Productive Arrangements.

Undoubtedly, the valorization, increasingly intense, of the geospatial information is the product of factors that combine social and economic demands with an intrinsic need for modeled representation of the territory in which are inserted these demands.

One of the determining factors in the implementation of Spatial Data Infrastructures in the world was the central role played by the sharing agreements of geospatial bases that were being establishing with significant speed, especially in recent decades, which require consequent integration needs, harmonization and availability of those considered of common use and interest of society in general.

In Brazil, Decree No. 6.666 of 27/11/2008 (DOU of 28/11/2008 p. 57), establishes the National Spatial Data Infrastructure (INDE) and defines it as the integrated set of technologies; policies; mechanisms and coordination and monitoring procedures; standards and agreements, necessary to facilitate and organize the generation, storage, access, sharing, dissemination and use of geospatial data of federal, state, county and municipal origin (BRAZIL, 2008).

This legal framework favors, therefore the prevalence of services for geospatial data which can be also understood as a set of services that offer a number of useful and interesting features to a community of geospatial data. It is therefore increasingly important to emphasize the various uses that can be made from these data, and one of these is undoubtedly, the insertion of the products within the context of Geographical Indications.

One of the IBGE objectives is to ensure information and studies of cartographic nature required to the knowledge of the physical, economic and social reality of the Country, specifically aiming at the economic and social planning. (Law No. 5878 of 05.11.1973).

Thus, it is of fundamental importance its approach with the INPI, federal institution responsible for the records of intellectual property, in order to give visibility to the Local Productive Arrangements relating to Geographical Indications, through their cartographic representation in INDE context.

## 2. INTELLECTUAL PROPERTY

In conceptual terms the Intellectual Property (IP) can be understood as restricted to types of property resulting from the creation of the human spirit.

The International Convention which has established the World Organization of Intellectual Property (OMPI) did not formally set the Intellectual Property, preferring to report a list of various modalities of what can be understood as characteristically linked to the issue of IP, namely:

*“to the literary, artistic and scientific works; to the interpretations of performers and executions of performing artists, to the phonograms, and to the broadcasts; to inventions in all fields of human activity; scientific discoveries; industrial designs and models; trademarks, industrial brand and service mark, as well as business names and trade names; protection against unfair competition and all other rights resulting from intellectual activity in the industrial, scientific, literary and artistic domains “(Convention which establishes the World Organisation of Intellectual Property, signed in Stockholm, in July 14, 1967; Article 2, § viii).*

Among the several modalities of Intellectual Property subject to protection in Brazil, we can mention the following: Copyright and Related Rights; Sui generis rights (Protection of New Plant Properties, Topography of Integrated Circuit, Traditional Knowledge and Folkloric Manifestations); Industrial Property (Patents, Industrial Designs, Trademarks and Geographical Indication).

This way it bears a significant importance making the management of protection instruments to the IP in the most elaborate way possible, as the interest of IP protection according to Law 9279 is social and economic. It is a robust tool to promote social inclusion in a healthy cycle of promotion of the economic activity, mainly from local communities that hold certain knowledge that are being lost from generation to generation, in terms of both agricultural production and those related to art and culture in general.

Among the ways of IP protection within the context of Industrial Property, it assumes an

increasingly singular importance in Brazil, those related to Geographical Indications (GI's). The following will be explained on the main aspects related to GI's in Brazil.

## 3. GEOGRAPHICAL INDICATIONS

An important aspect linked to geographical names, involving economic aspects related to local productive arrangements, are the geographical indications.

By geographical indication, it is understood the legal form of referring to products of unique quality, handled and processed from a certain place, with unique characteristics of climate, seasonality and own productivity culture, therefore, it is regarding to the identification of a product or service as originary from a particular place when the reputation, characteristic and quality can be directly linked to this its particular origin. This set of events generates goods that have quality, which claim its origin, and ensure the control of their unique characteristics.

These unique features, sure will make these products or services gain a differentiated condition, both with respect to its quality, as the average value of competitors. Function of the confidence put in this distinctive mark of the product or service, that in itself, is synonymous of quality and respect to the consumer and, that defends the heritage of the producer or service provider.

The Geographical Indications constitute, therefore, in one of the ways of protection to immaterial or intangible assets, consisting in one of the specialties of Law, the Intellectual Property. The primordial objective will be then, distinguish the geographical origin of a product or the provision of a particular service, through differentiated quality and / or the excellence of their production or the provision of a particular service, through reputation or its linking with the environment in a given geographical region.

In Brazil, the law which rules the Industrial Property is called Industrial Property Law, No. 9279 of May 14, 1996, where the geographical indications are part of Title IV, paragraphs 178 to 182. In the sole paragraph, contained in the said title, it is preconized that the National Institute Of Industrial Property - INPI - will establish the conditions of registration for Brazilian geographical indications.

The said law provides, in Articles 177 and 178 respectively, that geographical indications are classified into two types, namely:

- indication of origin;
- designation of origin, as the following

transcription:

*“Art. 177. It is considered indication of origin the geographical name of a country, city, region or locality of its territory, which has become known as a center of extraction, production or manufacture of a product or provision of a particular service.*

*Art. 178. It is considered designation of origin the geographical name of a country, city, region or locality of its territory, which designates a product or service whose qualities or characteristics are exclusively or essentially to the geographical environment, including natural and human factors.”*

It is deduced, therefore, that designation of origin is characterized by a certain territorial portion, properly delimited and producer of a property, which has unique influences of local geographical features, as well as the community's cultural factors involved in the production of that particular product. It is understood therefore, that the designation of origin has unique and specific characteristics of a particular location.

Most products with Geographical Indication worldwide protected are agricultural products, wines and spirits, although the registration is also granted in some countries such as the case of Brazil to services and other products, including handicrafts. In Brazil beyond the geographical name it is possible the protection of a graphic representation, the distinctive sign, if it is of applicant's interest as provided in art. 179 of the Law 9.279 and the registration, as the article, is granted to associations, trade unions, agricultural cooperatives, and companies in general, representing the interests of producers and service providers.

It must be remembered that Brazil houses a huge indigenous geographical nomenclature. Many of these geographical nomenclatures have the desirable unity, which today increases the importance of a geographical name, and also their chances to seek registration and exercise the rights arising from the granting of geographical indication registration.

Until July 2015, INPI granted 43 GI of

products and 1 of service provision of Brazilian Information Technology services and what we see is that there was an increased visibility by the Brazilian and international society of these products and this service provision.

In Europe as can be seen in the foundations of the European Community DOOR (agricultural products), SPIRITS, BACCHUS (wine), large holders of GIs are Portugal, Spain, France and Italy. Most European countries, that in themselves, does not have domestic laws that recognize IG. France, from March 2014, through the French INPI protects GI of non-agricultural products and handicrafts.

The requests of GI registration, according to their interests, are sent by countries to the European Community and this grants the GI registration to agricultural products, wines and spirits. There are reports of recent discussions in Europe of inclusion other products such as GI.

#### 4. THE DELIMITATION OF GEOGRAPHICAL INDICATIONS IN BRAZIL

Some cartographic representations of geometric perimeter defining some areas of Brazilian geographical indications and forwarded by local productive arrangements and previously approved by the INPI, used to contained some serious leasing inconsistencies of its tracing in the territory as well as superposition with other areas.

This was only possible check with the crossing of several geospatial information available on the INDE portal. This fact signaled as positive to INPI the narrowing of the approach with IBGE, which is admittedly, one of the reference institutions of the Federal Government, with regard to consistent cartographic representation of geospatial information.

Thus it has become essential to establish a Technical Cooperation Agreement between the two important institutions of the Executive Branch in Brazil, the National Institute of Industrial Property - INPI and the Brazilian Institute of Geography and Statistics - IBGE. This cooperation agreement aims to technical, scientific, educational and cultural cooperation between the Participants, aiming at the development and implementation of joint actions for standardization, support for spatial analysis, dissemination and strengthening of Geographical Indications and its inclusion as Decree-Law

No. 6.666 / 2008, in the National Spatial Data Infrastructure in Brazil (INDE).

In May 2015 the IBGE released the Map of Geographical Indications in Brazil, the result of this technical cooperation agreement between INPI and IBGE. This map depicts 41 Geographical Indications registered in INPI until December 2014, being 33 Indications of Origin and 8 Designations of Origin and can be accessed through the following address. [ftp://geoftp.ibge.gov.br/mapas\\_tematicos/mapas\\_murais/Indicacoes\\_Geograficas\\_2015.pdf](ftp://geoftp.ibge.gov.br/mapas_tematicos/mapas_murais/Indicacoes_Geograficas_2015.pdf)

## 5. SOME GEOGRAPHICAL INDICATIONS

To show the uniqueness of these products were chosen 7 GIs for a brief explanation.

### 5.1 Paraty

It is the first geographical indication for spirits distilled from sugar cane such as “Cachaça” which was recognized in Brazil on 10/07/2007. According to reports of producers linked to APACAP- Association of Producers and Friends of Paraty Cachaça the registration in INPI allowed greater product visibility, greater integration among the producers, improvement of product quality and other gains. Currently seven stills are entitled to use the distinctive sign. Below, in Figure 1 we can see the geographical delimitation of the Geographical Indication of Paraty.

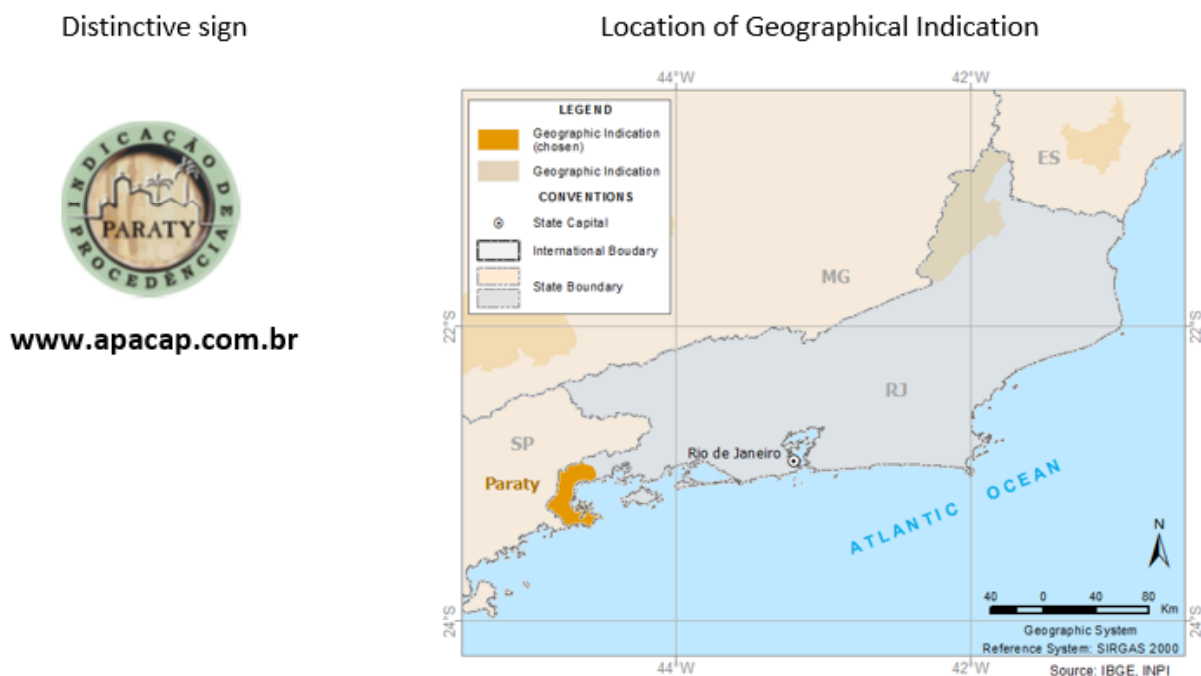


Fig. 1 – Geographical Indication Paraty.

### 5.2 Litoral Norte Gaúcho

It is the first Brazilian DO. The granting of the registration took place on 24/08/2010. In the analysis of the registration request process of this geographical indication the INPI is the framework of contacts of the institute with IBGE in order to assist in the verification of the geographical area forwarded by the applicant on the issue of inclusion of protected indigenous areas.

The rice produced in Litoral Norte Gaúcho region (Figure 2) has high performance characteristics of full grains, glassy appearance and low percentage of opacity.

There is express provision in the Use Regulations prepared and approved in assembly by the producers that must obtain environmental licenses, rationalize the use of water in the farming, control the use of pesticides and only use certified seeds.

Distinctive sign



[www.aproarroz.com.br](http://www.aproarroz.com.br)

Location of Geographical Indication

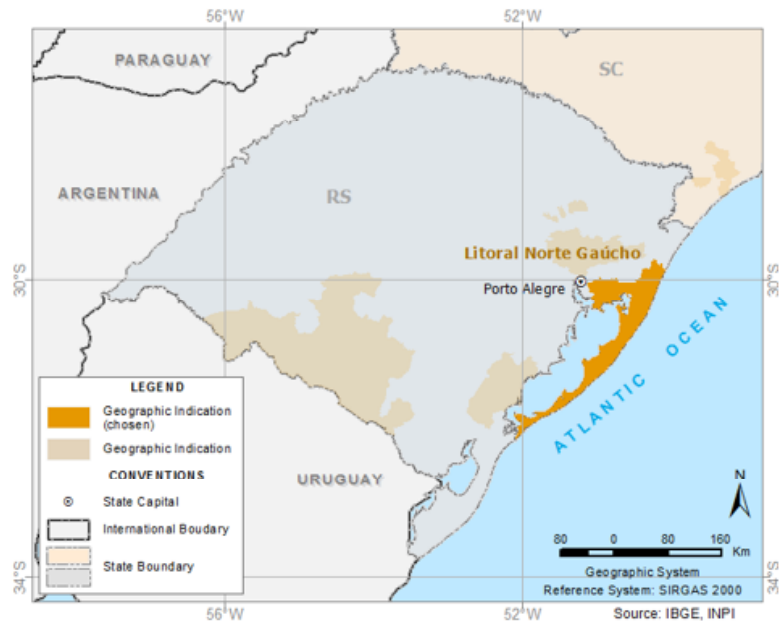


Fig. 2 – Geographical Indication Litoral Norte Gaúcho.

### 5.3 Vale dos Vinhedos

The First Brazilian GI registered in the country on 19/11/2002 of IP species. Producers cite improvement of quality in the products, increased tourism in the region, increasing in the number of jobs, etc.

They sought recognition in the European Union which took place in 2007. On 25/09/2012 occurred the registration of designation of origin in Brazil. In the case of DO did not require distinctive sign being then, nominal: Vale dos Vinhedos (Figure 3).

Distinctive sign



[www.valedosvinhedos.com.br](http://www.valedosvinhedos.com.br)

Just for indication of origin

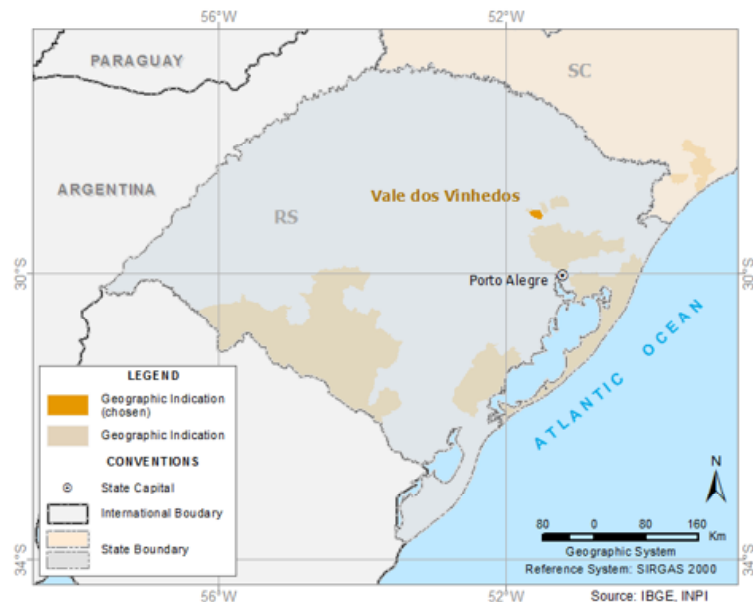


Fig. 3 – Geographical Indication Vale dos Vinhedos.

### 5.4 Região do Jalapão do Estado do Tocantins

The indication of origin of Região do Jalapão do Estado do Tocantins (Figure 4) received the record of the INPI in 2011. The

legal representative is AREJA - Association of Artisans in Capim Dourado of Região do Jalapão do Estado do Tocantins (Figure 4). The defined geographical area comprises the municipalities of Mateiros, São Félix do Tocantins, Novo

Acordo, Santa Tereza do Tocantins, Lagoa do Tocantins, Lizarda and Rio Sono. What led the communities to structure the IP registration request was the concern about the sustainability of the activity. They sought support from NATURATINS for carrying out verification studies of the grass extract impact which culminated with the publication of Ordinance 362/2007 NATURATINS that determines

the period and the way it should be done the sustainable management of golden grass and buriti.

The handicraft began in the 30s as a heritage of the Quilombo communities living there. However, the notoriety of the work took place from the 90's. They are over 800 artisans involved in handicraft activities that are done with golden grass and sewn with buriti "silk".

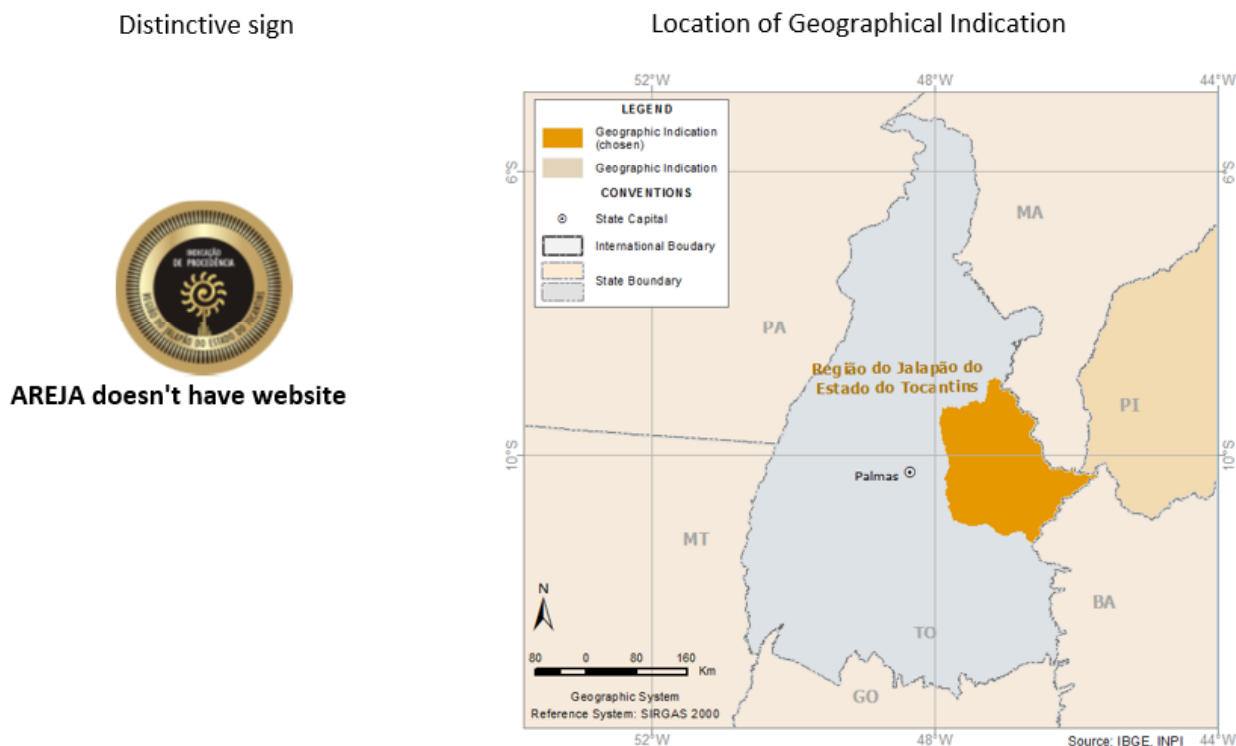


Fig. 4 – Geographical Indication of Região do Jalapão do Estado do Tocantins.

### 5.5 Região Pedra Carijó Rio de Janeiro, Região Pedra Cinza Rio de Janeiro and Região Pedra Madeira Rio de Janeiro

The ornamental rocks extracted in Santo Antônio de Padua in Rio de Janeiro are used as coatings. It is the second largest area of extraction only behind the oil sector. SINDGNAISSES - Sindicato de Extração e Aparelhamento de Gnaisses do Noroeste do Estado do Rio de Janeiro (Extraction Union and Gnaisses Equipment of the Northwest of Rio de Janeiro) is the legal representative of the three designation of origin of the above regions. The identification of the geological characteristics and the delimitation of the geographical area have been prepared by the

Department of Mineral Resources - DRM / RJ in partnership with Sebrae-RJ and the Network Technology and Innovation of Rio de Janeiro-REDETEC. The record of 3 DOs was granted on 22/05/2012.

The rocks that were used on the floor of the Port Zone - Porto Maravilha remodeled from the World Cup 2014 are those with DO. They are the first DO of the state and the first of minerals in the country.

Below, in Figures 5a, 5b and 5c we can see the geographical delimitation of Pedra Carijó, Pedra Cinza and Pedra Madeira do Rio de Janeiro respectively.

Distinctive sign



Location of Geographical Indication

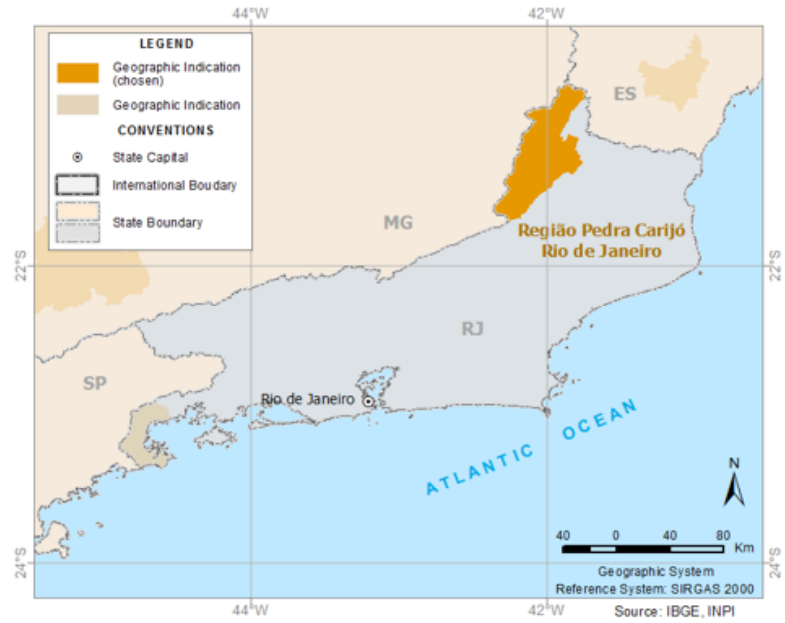


Fig. 5a - Geographical Indication Região Pedra Carijó do Rio de Janeiro.

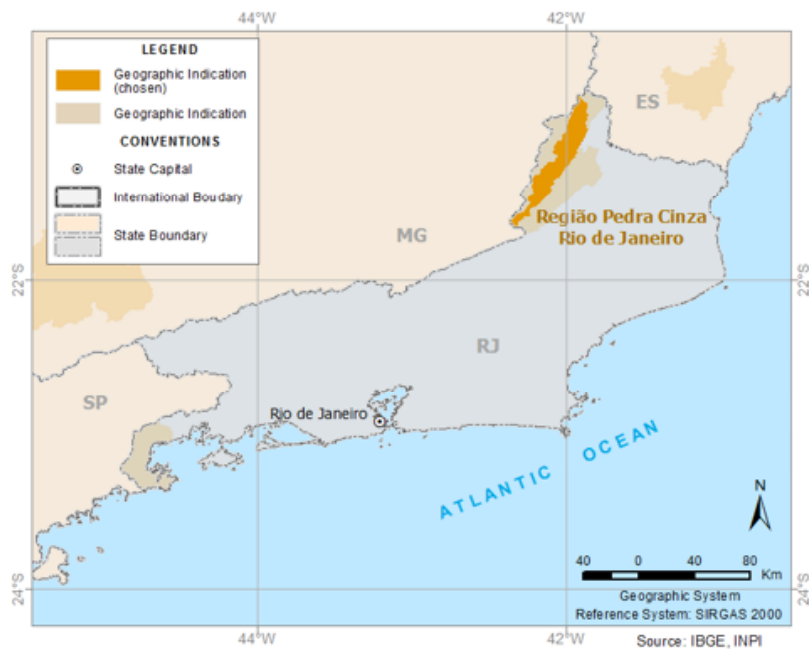


Fig. 5b - Geographical Indication Região Pedra Cinza do Rio de Janeiro.



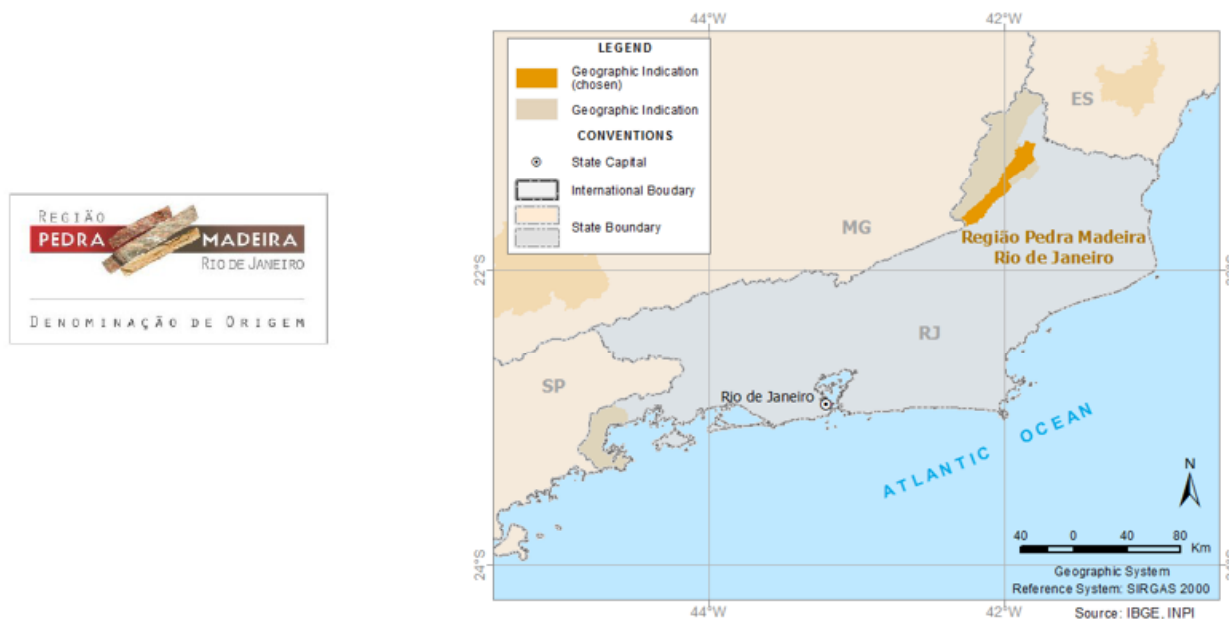


Fig. 5c - Geographical Indication Região Pedra Madeira do Rio de Janeiro.

## 6. FINAL CONSIDERATIONS

This partnership also provides a significant importance to the inclusion of geospatial geometry of geographical indications as an important layer of territorial information, and also ensure consistency of quality geospatial information in INDE, acquire know-how to disseminate knowledge of their expertise to partner institutions in the various government agencies, disseminate knowledge of geospatial information in other sectors of society such as local arrangements, which tend to grow in geometric progression from the disclosure of geographical indications to other productive sectors in Brazil, as well as promoting the dissemination of the INDE importance to local productive sectors of society.

The joint action INPI / IBGE presents itself therefore, as an important initiative for the dissemination and promotion of the culture of intellectual property in the country and abroad, specifically with regard to strengthening of the protection to Geographical Indications and its strategic importance among several actors involved in the issue, as small producers of local arrangements as the quilombola, and indigenous communities working with medicinal plants like

the Caiçaras.

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