ESSENTIAL:

1. The New Commons, the COOPERACTIVE ASSETS, are not necessarily and only Digital.

2. The Names of Geographical Locations, in the broad sense, cannot be used on Physical Objects WITHOUT payment of ROYALTIES to institutions representing these Locations;

3. These Royalties are based and calculated on the selling prices to the Final Consumer;

4. These royalties, for reasons of tax competition and non-abuse of dominant position, are regulated by Minimum and Maximum rates;

5. These rates, and their percentages, are defined by Universal Agreements.

6. Royalties are paid directly to institutions representing these geographic Organizations.

7. The exception to the payment of royalties is the actual location of the Production activities of the objects using the name of the locality in the place of Production.

8. While the counterpart to the protection is a very small amount, per year, covering all classes of trademark registrations.

9. Which will be paid by the State of each locality to the Continental Organizations authorized to manage and protect trademarks.

Some Hyperlinks point on French Articles (see the preview by hovering your mouse on the hyperlink).

FLUXES

COOPERACTIVE ASSETS, the New Commons are not necessarily and only Digital, the spirit of the COOPERACTIVE ASSETS can be applied in many other fields, such as economic and social.

The same is true here of this proposal, which concerns a new approach to the ownership and control of brand names of cities, famous tourist places, regions, countries, communities and continents.

Let us take one of the most famous case studies in this field, at least for France, it is the ownership of the LAGUIOLE brand. Name which refers to the city of LAGUIOLE but also, and especially, to the so-called LAGUIOLE knives, which have a particular shape but whose generic form has never been registered. This makes them known as the city of LAGUIOLE.

Until very recently, this mark did not belong to the city of LAGUIOLE because it had been registered by a person before the City did so. There were many discussions and legal actions to ensure that the City could take back what common sense requested, namely brand ownership.

Because this appropriation, this control, this ownership should be directly and solely entrusted to the democratic public structure responsible for the place in the broad sense.

It is absolutely ABNORMAL (even if some Courts of Appeal think the opposite, on the basis of old Rights, that it is necessary to make evolve, because yes the Law, it must evolve according to Values chosen by the Community at a moment T. For if the Law does not evolve over time according to the values of a Community, it is called a Custom. And it is something else[Long digression but necessary])))) to use already existing names (Places, Historical Characters) without consent, and/or without having participated in the creation of what we promote and even less, not to live on the territory that we promote in its objects. As Sylvia PINEL, Minister of Handicraft and Trade Sylvia PINEL, pointed out at the time of the judgment mentioned in the previous link (2014), there is “the crucial importance of extending protected geographical indications (PGIs), currently reserved only for agricultural and viticultural products, to manufactured “products”. Because the Territories must have complete control over their Names.

It should be noted that the former legal approac was to consider that the commune of Laguiole did not demonstrate that the use of the disputed trademarks “would fall within the scope of the public service missions assigned to the territorial authority would entail a risk of confusion with its own powers, or would be likely to harm public interests or harm its citizens” (sic). While precisely this is the very basis of the New Rights to be determined and applied. A Territory must always be able to

defend its interests and even more so its name and use! This is indeed a Public Service Mission to be carried out.

Let us take the example of the City of Cannes. If you use your favorite search engine and type in the keywords ‘Cannes Mug,’ it is likely that you will collect images of products of this type with an aesthetic, say varied, and which may not be in adequacy with your own perception of good taste, but that is not the subject:-) . How many of these magnificent products were designed and manufactured on the very territory of the City of Cannes? Why should we be allowed to manufacture products for a city other than the one in which we live without having to pay and share the territory from which you benefit, abusively, from its brand image (Culture and geography and Architecture) and its history in the broad sense (Historical events and characters)? This is an obvious fact that is not yet shared by everyone. And yet it will become so.

Because of everything that can be called in the broad sense of Physical by-products (and therefore manufactured in the broad sense), T-Shirts, coffee cups, mugs, placemats, posters, parkas, etc., without making an inventory in the Prévert’s style (French poet) , any use should either :
– Generate Royalties to the Community whose Name is used.
– Either everything should be manufactured on the Community in question or at least on the Agglomeration Community (or its equivalent in non-European countries). There is no room for exceptions because they will always serve as a pretext for misappropriation. Because even if the territories of the cities are well filled and occupied, it will still be possible, including in Monaco, to make room to create the necessary factories. Certainly, it is obvious that the current manufacture of these objects is done in specialized factories with very suitable machines that can change marking (equivalent to flocking for Foot if it can no longer speak to some people) and that the cost of these machines is very high. And that each Territory does not necessarily have the possibility of having an entrepreneur who can invest in these machines with variable configurations. But it is precisely this logic that must be regulated by recovering what is from these globalized factories and allowing local entrepreneurs to make only one type of product (coffee cup or mug or bowl or others, etc.) with local marking. By what right can a Chinese entrepreneur use the name of a French city without paying royalties to that city? And, of course, the opposite is true, a French entrepreneur should not use the French or Chinese names of Beijing or Shanghai.

Once these principles have been established, the **necessary** remuneration for the

use of a Common Good (Name of a “Community”); because any use must give rise to a counterpart (fees or localization of manufacturing on the site); it is now necessary to address the notion of **FAIR** remuneration. First, the shortcomings of today’s Europe (unbridled competition between countries) have taught us that the question of taxation is a central issue. It is therefore necessary to avoid tax competition between Communities where some would lower the royalty rate to almost zero in order to attract as much as possible the use of their Community Name. Thus, at random, a competition between Dublin and Paris, where Amsterdam and Paris has no meaning and no interest. There is therefore a need for a worldwide minimum royalty rate on the price of the object. The basis of this fee is the price paid by the Final Consumer. And not the Manufacturer’s selling price. This is to avoid, once again, arrangements between friends and invoicing tricks where a company would sell its products for just one cent of Euro or Dollar while the manufacturing costs themselves would cost several Euros. The real turnover is paid in the form of back commissions or false invoices for services between the manufacturer and the first reseller. It will be necessary to supervise and monitor the levy as much as possible to avoid the temptations, or greed, of certain actors. The royalties paid are paid by the last company or organization selling the physical product to individuals. They are paid directly into a bank account in the locality concerned (and not the country concerned, except in the case where the name of the Country is used).

Once these principles have been established, this leads us to talk about a maximum rate of Royalty. With therefore also a Maximum to avoid abuses of dominant position of some cities already better known at the World level such as Paris or New York. It is therefore necessary to cap the maximum rate. The same applies to the minimum rate to avoid tax competition in this area.

To organize these COOPERACTIVE ASSETS, it will also be necessary to automatically make the protection of Names pay by a very symbolic contribution, an annual contribution, to be renewed indefinitely, with a very symbolic cost of around 10$/€ per year (For European countries & US/Canada for example). These $10 cover all the classes that can be filed in trademark protection filing agreements (There is no question of multiplying the payments to cover all possible cases. And therefore to go beyond the framework of the symbolic payment of a very small fee to obtain protection in all countries of the World). The State of the country is being responsible for the payment. It is up to it to recover this money from the municipality or appropriate structure.

Consequently, once the principles have been adopted, it will not be possible to market unapproved objects in all territories. Certainly, it will be possible to answer that each country can have its own legislation, laws or agreements will not necessarily be voted and/or implemented from everywhere. Some countries (who? You have an idea: -)) may even refuse the implementation of this Common Good. Certainly, of course, but first of all, we must at least be put in place and apply in the city, or localities, or region, or country, the regulations on this Common Good. And secondly, there is already an international brand management system. It is therefore possible to extend this regulation to the international level, in all countries, by using the international (trade) mechanisms and agreements already in place. We can find 10,000 excuses for not making it work. But let’s focus on the possibility of making it work.

To conclude, in this version of the article (N°1), here is a proposal of (mini) MATRIX to control the rates of Fees:

Rate	**%**
Minimum Royalties	1%
Maximum Royalties	10%

P.S.: Of course, the purpose of the article is not to stigmatize the person (even if everyone is responsible for their actions in relation to the Community) who had registered the LAGUIOLE trademark. Because it has taken advantage, like so many others, of a flaw in a system that is not correct. And it is this system that must be corrected. With a proposal for Local COOPERACTIVE ASSET operating on a Universal Scale, for all the countries of the Planet.
