

# **GEOGRAPHICAL INDICATIONS – THE STATE OF PLAY IN AFRICA –**

***A PAPER PRESENTED BY MCDAVE APPIAH, AT A WORKSHOP ON THE THEME  
“CREATING VALUE THROUGH LABELLING AND INDICATIONS: THE POWER OF ORIGIN”***

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# INTRODUCTION

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- ❑ The TRIPs Agreement in Article 22.1 defines Geographical Indications (GIs) as “indications which identify a good as originating in the territory of a member, or a region or locality in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin”.
- ❑ In other words a GI could be any geographical name or sign such as symbols, icons, etc which are placed on goods which in turn gives geographical information which is very useful in the identification, reputation, origin and qualities of particular products.
- ❑ Most GIs provide protection for agricultural products such as food and beverages, fish products and handicrafts. But for a continent that is so rich in traditional and cultural heritage as well as abundant biodiversity coupled with genetic resources, there is likely to be a number of products which could derive a lot of benefit and gain from the protection of GIs.

# THE IMPORTANCE OF GIs TO AFRICA

- ❑ The economic and commercial gain and benefit to be derived from the protection of GIs in Africa are huge indeed.
- ❑ It is however true to point out that unless African countries attach the requisite importance to the legal, economic and cultural implications to geographical labelling in their individual countries, the anticipated gains and benefits cannot be realized.
- ❑ The following in brief are some other benefits Africa is likely to derive from the protection of GIs.
  - The protection of GIs will give African countries a natural competitive advantage as they apply mainly to agricultural and cultural products.
  - As a result of the above small scale farmers will gain a lot and enlarge their market share.

# THE IMPORTANCE OF GIs TO AFRICA contd.

- GIs will also assist in the prevention of biopiracy of traditional knowledge and enhance the status of traditional production methods.
- Further, because GIs do not require very high levels of innovation, their protection will benefit a lot of our farmers.
- Indeed because of the collective nature of the protection of GIs small scale producers who usually are not able to secure funding for their branding, packaging and marketing programs, will benefit from its protection.
- Another benefit of GIs to Africa is its potential to contribute towards tourism on the continent. This is borne out of the fact that tourists visit some of the remote parts of the world to witness at first hand activities leading to some of the well known GI products.

# CONVERTING POTENTIAL GI GOODS INTO REGISTERED AND RECOGNIZED GIs

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- ❑ A sustainable rural planning and development must seek to build and strengthen the relationship and cooperation among all relevant local stakeholders.
- ❑ The aim of registering GIs will be to ensure sustainable development through the harnessing of resources found at the relevant places which contribute towards agricultural and food production.
- ❑ The following are essential stages which must be fully and adequately considered in the process of registering a GI good or product:
  - Identification – This entails the creation of awareness and appreciation of the potential of the local product by the local people, after the product or good has been identified as potential GI good.
  - Product Qualification – This calls for the institution or establishment of clearly stated rules for value creation and to preserve local resources; and to ensure and maintain the requisite standard.

# CONVERTING POTENTIAL GI GOODS INTO REGISTERED AND RECOGNIZED GIs contd.

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- Product Remuneration – The focus here is marketing the GI product and management of the local indigenous system. The ultimate aim is to ensure that all involved are adequately rewarded.
- Reproduction of Local Resources – The goal here is to take steps which will boost the sustainability of the system as exist at the place/locality and practiced by the indigenous people. This will ensure that the origin linked quality virtuous circle is not broken.
- Public Policy – Here our focus is to ensure that the appropriate and relevant institutional frameworks are put in place through the assistance and policy direction of relevant state institutions and government at large.

# **GIs AND SUSTAINABLE DEVELOPMENT IN AFRICA**

- The protection of GIs in Africa is likely to preserve the agrifood system and its incidental social networks.
- This in turn will produce gains and benefits for the economic, socio-cultural and environmental lives of the people of Africa.
- Economic sustainability will produce benefits such as enhanced incomes for producers; creation of employment and in turn improvement in the quality of life thereby providing the impetus for a more dynamic economy and overall development.

# GIS AND SUSTAINABLE DEVELOPMENT contd.

- ❑ Socio Cultural Sustainability involves the active participation of local stakeholders which will ensure their involvement in decision making to guarantee them fair price, distribution rights, etc. Their own use and application of their local knowledge and know how will surely deepen their pride and identity in their culture and traditions.
- ❑ Environmental sustainability is targeted at preserving and improving their own indigenous natural resources as they pertain to their biodiversity, landscape, soil and rainfall pattern, etc
- ❑ All the special characteristics and quality of local products are maintained to enable the creation of niche market for such GI products even at the international level.

# SITUATION AT REGIONAL LEVEL

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- The African Regional Intellectual Property Organization (ARIPO) at its 34<sup>th</sup> Session in Harare , Zimbabwe in 2010, presented a paper on GIs to the Administrative Council. The Administrative Council in principle agreed and directed the ARIPO Secretariat to participate in relevant international meetings on geographical indications; and to conduct further research into the field of GIs
- The Council also asked the ARIPO Secretariat to present a more detailed studies and paper to the Council of Ministers at the Accra Meeting in 2011 for final mandate.
- As a result ARIPO Secretariat participated in the Brussels, Geneva and Nyon meetings/workshop on GIs.
- In addition, ARIPO attended the WIPO-Government of Peru Symposium in June 2011.
- ARIPO attends the Council of TRIPs Meetings as an ad hoc observer.

# SITUATION AT REGIONAL LEVEL contd.

- ❑ These are in addition to the workshop already organized by Tradecom in Cape Town, where ARIPO was represented.
- ❑ All are geared towards the establishment of a regional framework/Protocol.
- ❑ The African Intellectual Property Organization (OAPI) is administering GIs under the Bangui Agreement, as amended.
- ❑ The execution of Bilateral Agreements such as Free Trade Agreement (FTA), Economic Partnership Agreement (EPA) between some developed countries and African countries.
- ❑ There is also ongoing negotiations between EU and some African economic blocs like ECOWAS, COMESA, SADC, EAC and others as to reach agreements on IP rights and regime in those economic blocs.
- ❑ It is important to note that European Union, United States America and others have already signed interim agreements with some of these economic blocs and other countries.

# SITUATION AT NATIONAL LEVEL

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- Various ARIPO member states and other African countries are making efforts to enact laws on GIs.
- Some member states already have these laws in place; but no secondary legislation to fully implement the said laws on GIs.

# CONCLUSION

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- A technical mission was conducted by some consultants in eight countries namely Cameroon, Gabon, Ghana, Kenya, MAURITIUS, Nigeria, Rwanda, Senegal and Tanzania. They were able to identify 10-15 economically significant African products that have the greatest potential to benefit from GI protection. The primary source for identification was the industrial property offices of the respective countries.
- Most of the people interviewed in Government and private sectors admitted a limited knowledge of GIs systems and associated costs and administrative burdens. Awareness-raising on this subject is recommended.
- More analysis and studies should be carried out on capturing the economic value of GIs; access to GI-protected products by local populations; the role of government in the GI framework; the cost of establishing and administering a GI regime in a country; and costs of developing, registering and enforcing individual GIs.

# CONCLUSION contd.

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- ARIPO should continue with awareness campaign on the Importance of GI's protection in improving the economy of its member states.
- Furthermore ARIPO should use the experience it has gained internationally with respect to GI protection and develop a regional policy and legal framework for the benefit of its member states. ARIPO should also assist its member states to enact national laws on GIs.

***THANK YOU.***