

AfrIPI-oriGIn Webinar on Geographical Indications in Africa - Presentation of AfrIPI's GI Manual

Monique Bagal, AfrIPI GI long term expert | 3 May 2022

Chapter 2: the current situation of GIs in Africa



Funded by the European Union

AfrIPI, project funded by the European Union and implemented by the European Union Intellectual Property Office (EUIPO)



Introductory remarks: common features of African countries

Common diplomatic positions at the WTO on geographical indications

Increased number of stakeholders vested with mandates on GIs at the continental levels

Recent entry into force of the African Continental Free Trade Area (AfCFTA, May 30, 2019) and negotiation of the IP protocol for at least 41 AU member states

Immense pools of origin products the majority of which are not wines and spirits

Recent interest in the protection of these attributes and weak rate of registration

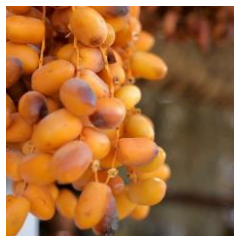
Immense pools of “origin-products” including many which are not wines and spirits



Nsukka Yellow pepper



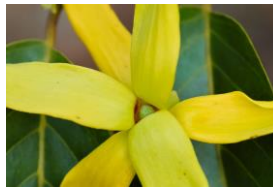
**Poutargue
Imraguen**



Siwa dates



Pierre de Mbigou



Ylang Ylang des Comores



Pagne Baoulé



Coffee Rwezori



**Sel gemme de
Taoudénit**



Riz de Kovié



Toiles de Korogho

Chapter 2: The current situation of GIs in Africa

- Section 1: The GI landscape in African countries
- Section 2: Substantial progress in the crucial factors for GI success
- Section 3: Limited progress in areas crucial to the success of GIs

Manual for Geographical Indications in Africa

Section 1: The GI landscape in African countries

Experienced in Morocco,
Tunisia, Algeria, Egypt

Increased number of stakeholders invested with mandates on GIs at the continental level

- Organisation Africaine de la Propriété Intellectuelle: registration + promotion
- IP offices and other competent bodies (the so-called «National Committees on GIs») in countries that are not part of OAPI or ARIPO
- African Regional Intellectual Property Organisation: the regional registration of trademarks, the adoption of an appropriate regional legal framework on GIs (13th session of the AC, 2011)
- African Union: AfCFTA, African continental strategy on GIs



Increased number of stakeholders invested
with mandates on GIs at the continental level



INSTITUT NATIONAL
DE L'ORIGINE ET DE
LA QUALITÉ

WIPO



Food and Agriculture
Organization of the
United Nations

International donors and technical
assistants: governmental bodies



European
Commission



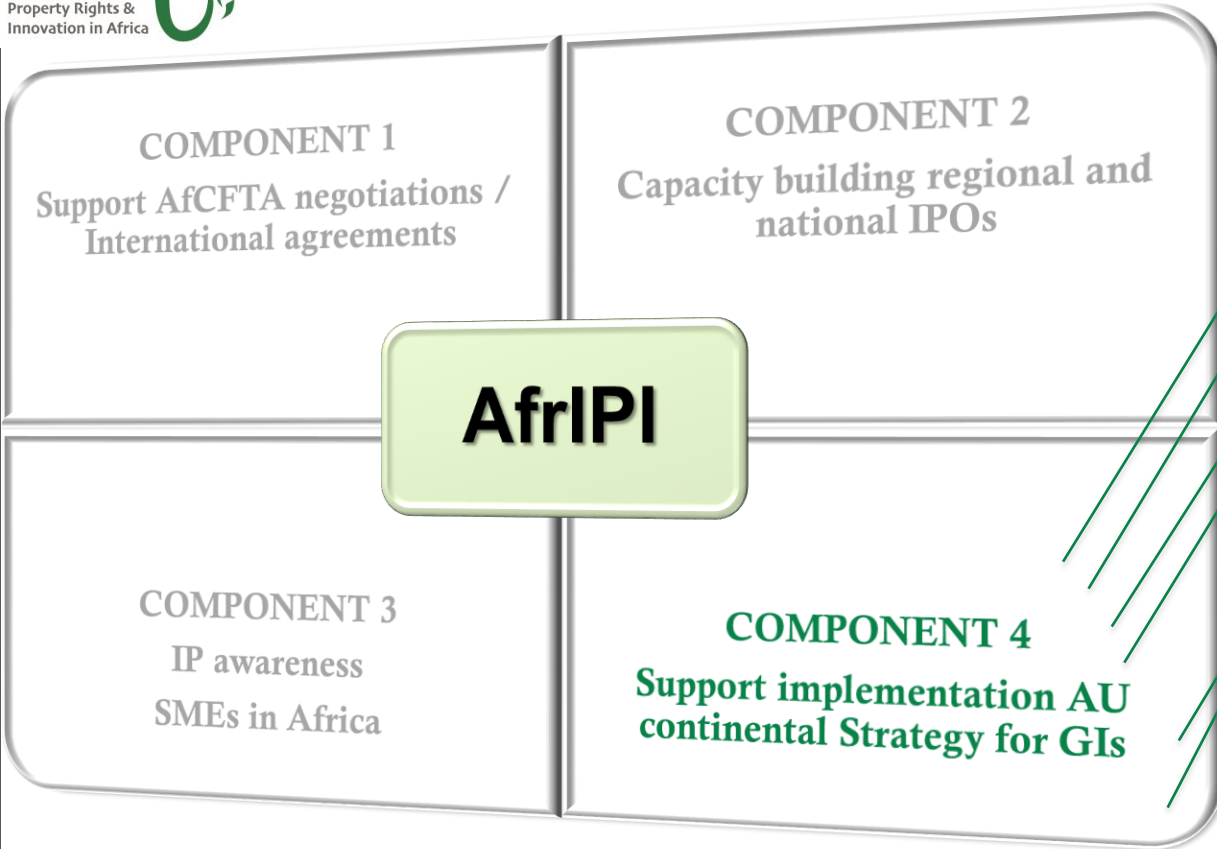
UNITED NATIONS
UNCTAD



IGE | IPI



The AfrIPI project



1. An african vision on GIs is developed and shared

2. Legal and institutional frameworks are enabled at the national and regional levels

3. The registration of pilots is supported

4. The development of the marketing of product is supported

5. Research, training and dissemination is encouraged

6. Awareness-raising of the population at large

International donors and technical assistants: non-governmental organisations



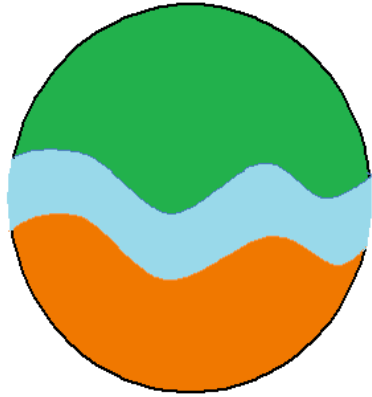
REDD

oriGIn

Organization for an International
Geographical Indications Network



**Origine
Diversité
Territoires**



Economie
Territoires et
Développement
Services



Technical assistants from the continent

Manual for Geographical Indications in Africa

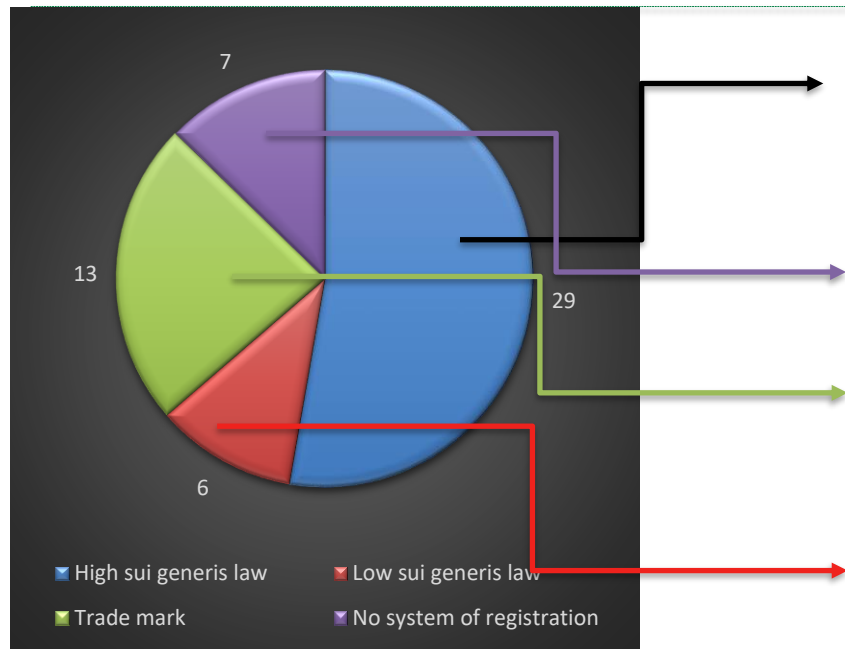


Funded by the European Union

Section 2: Substantial progress in the
crucial factors for GI success

Chapter 2: The current situation of GIs in Africa

Modernisation of the legal and institutional frameworks on GIs



i.e. OAPI (17), Morocco, Tunisia, South Africa, Algeria, Mozambique, Ghana, Cabo Verde, Djibouti, Uganda

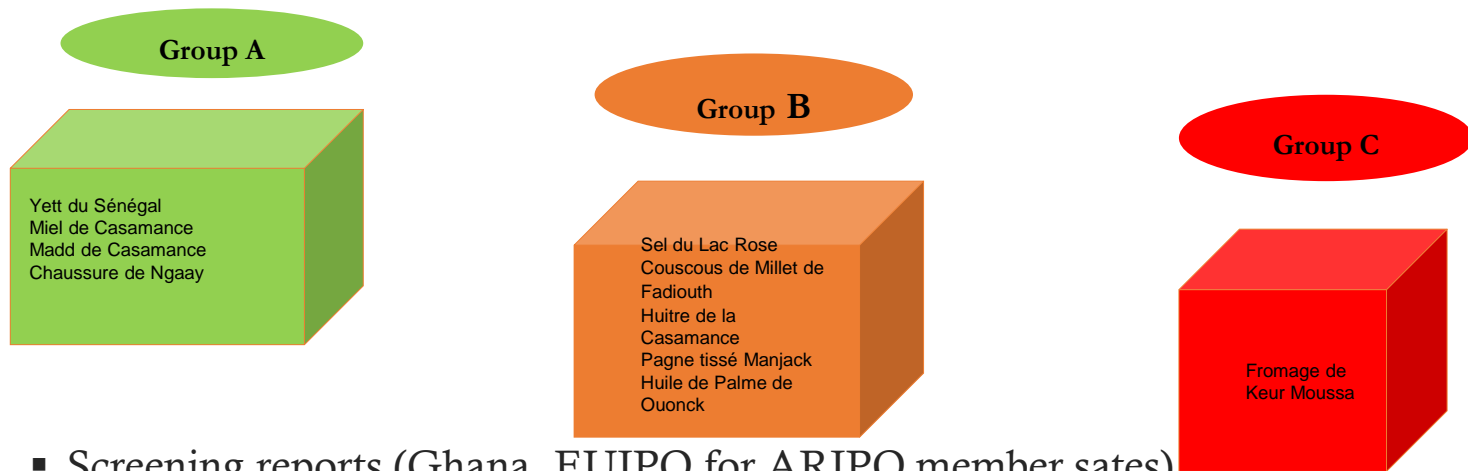
i.e. Sudan, South Sudan, Eritrea, Somalia, Angola

i.e. Kenya, Zambia, Botswana, Namibia, Nigeria, Sierra Leone, Malawi, Madagascar

i.e. Rwanda, DRC, Burundi, Mauritius, Zimbabwe

Increase of methodologies to identify GIs

■ Classification of pre-identified GIs



- Screening reports (Ghana, EUIPO for ARIPO member states)
- Methodologies based on the elements of the definition and success factors. AfrIPI's criteria put the accent on sustainability.

Chapter 2: The current situation of GIs in Africa



The FAO web-tool

Increase of methodologies to identify GIs

The identification tool is an online-offline tool which can help:

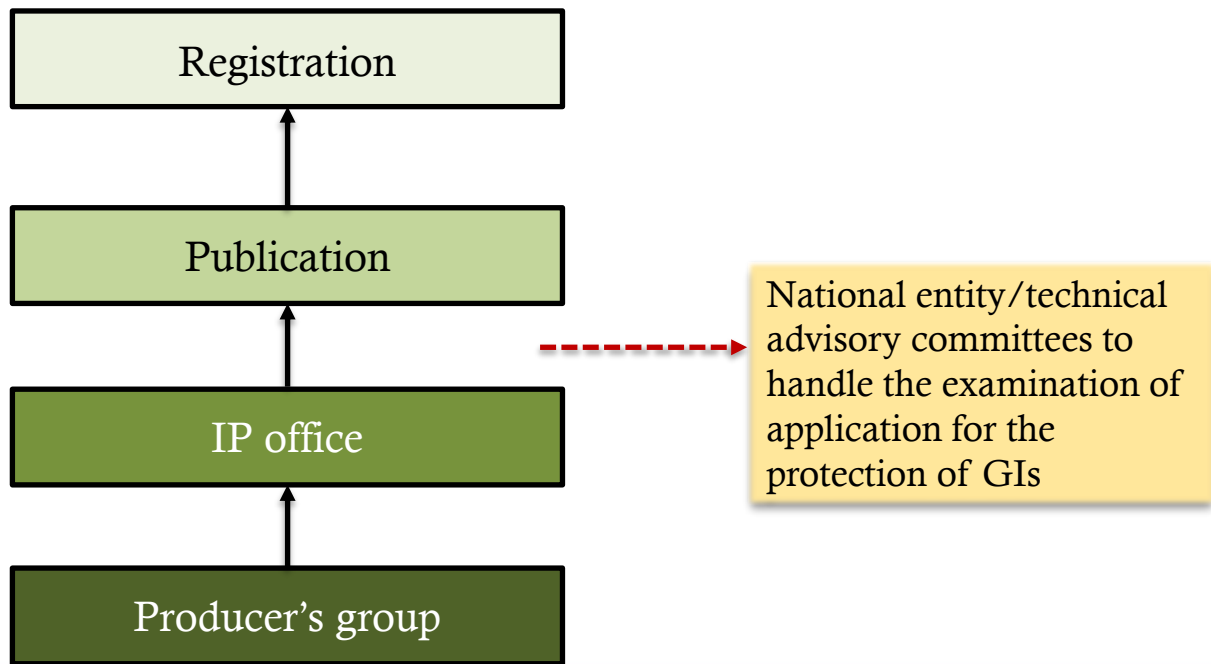
- identify whether a product has a quality linked to its geographical origin (questionnaire 1: identification) . http://www.fao.org/fileadmin/templates/olq/documents/Questionnaire_1_EN.pdf
- Facilitate the comprehension of all the factors that must be considered to develop a GI process and enter the virtuous circle (questionnaires 2 and 3) .
http://www.fao.org/fileadmin/templates/olq/documents/Questionnaire2_FR.pdf AND
http://www.fao.org/fileadmin/templates/olq/documents/Questionnaire3_FR.pdf

Chapter 2: The current situation of GIs in Africa

Efforts in drafting sound product specifications

- Comprehensive studies: Dogon Shallot, Miel de Casamance, Violet de Galmi, Riz de Kovié, Attiéké de Grand-Lahou, Madd de Casamance
- Tasting panels: i.e Cabrito de Tete, Guinea-Conakry, Madagascar (upcoming)

Modernization of the legal and institutional frameworks on GIs



Recent interest in the protection of these attributes

Sui generis system



Poivre de Penja



Rooibos Tea



Onion Violet de Galmi



Le miel d'Oku



Figue sèche de Béni Maouche



Le café ZIAMA Macenta



Coffee Kenya

Trademark system



Riz boramalé



Egyptian cotton

As a result: 191 registered GIs

Number of registered GIs worldwide



Ananas Pain de
sucre du Plateau
d'Allada-Benin



Miel Blanc d'Oku



Poivre d Penja

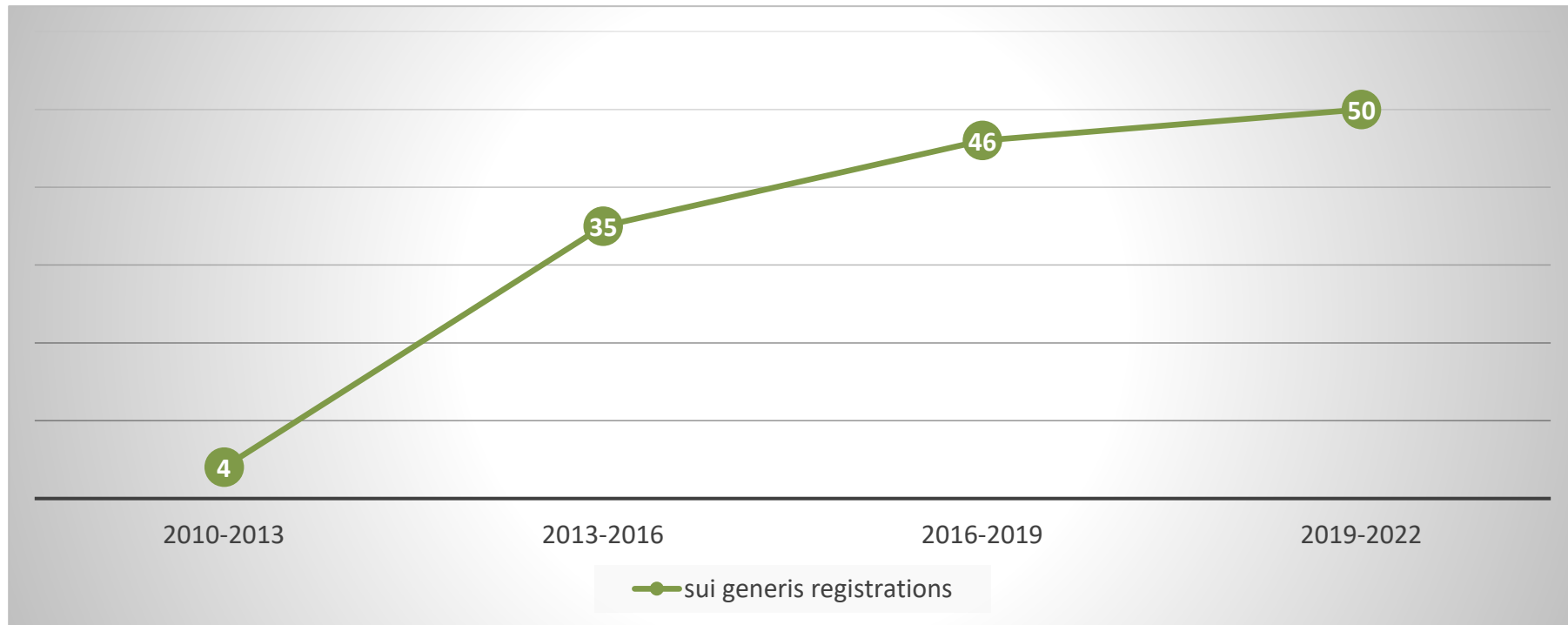
Registered GIs in Africa, 191 as of January 2021



Onion Violet de Galmi

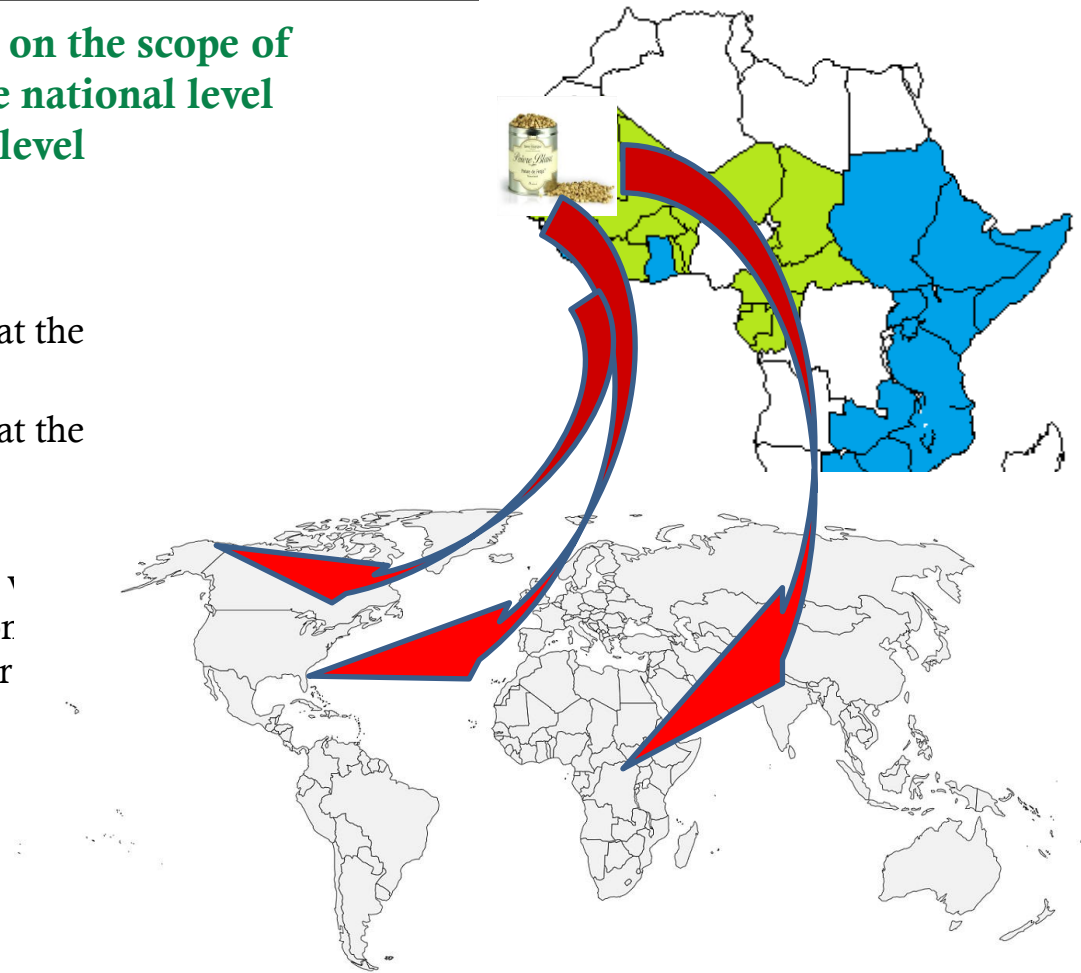
Chapter 2: The current situation of GIs in Africa

Increase of the number of *sui generis* registrations (based on estimation per year)



Remaining discrepancies on the scope of protection for GIs at the national level international level

- Two realities jeopardize those efforts:
 - Discrepancies in the frameworks of protection at the continental level
 - Discrepancies in the frameworks of protection at the international level
- The **Geneva act** tackles the discrepancies in the way countries of the world protect GIs. Common scope of protection for all members but only for members



To fight (see article 11 of the
Geneva Act):

Cases of fraudulent uses



Cases of evocation



In dissimilar products

As ingredients of products

Confusion of the consumer?

Uses as delocalisers



- Introduced GIs under the treaty scope of application (Article 2), previously limited to AOs.
- Gave the possibility to **intergovernmental organisations** such as OAPI to become contracting parties under certain conditions (Article 28(1)(iii)).
- Possibility to **administer transborder GIs**
- Introduced more flexibility in terms of filing applications (groups and beneficiaries are now allowed to file an international application under certain circumstances, Article 5.3) and fees, which make the Geneva Act an attractive treaty for a variety of legal systems and traditions.

Manual for Geographical Indications in Africa



Funded by the European Union

Section 3: Limited progress in areas
crucial to the success of GIs

Chapter 2: The current situation of GIs in Africa

Producer's organisation

- The obligation to be representative in the OAPI system Incentives to
introduce more democratic internal rules
- The services offered by GI managing group that go beyond the administration of GIs



- Variation from one state to another, from one field to another in one country

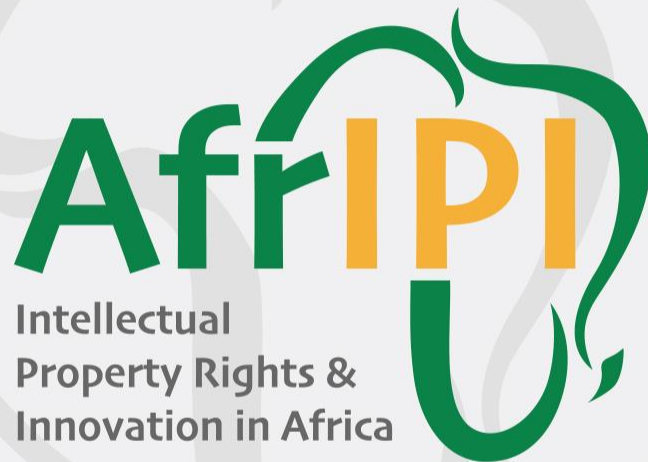
Chapter 2: The current situation of GIs in Africa

Control mechanisms

- Increased obligation to include control plans in the application (OAPI)



- Infrastructure shortage
- Change in mentalities, soft skills needed to create incentives for producers to accept control



THANK YOU