

## EXAMINING THE ROLE OF GEOGRAPHICAL INDICATIONS IN AFRICA'S DEVELOPMENT: A CALL FOR RECONSIDERATION\*

### Abstract

*This paper argues for the protection and utilization of African agricultural geographical indications. However, geographical indications are not limited to food products and consider the state of legal protection of GIs in Africa today. This is achieved through examining the sui generis and trademark law approach from the Trade-Related Aspects of Intellectual Property Rights Agreement, the Geneva Act of the Lisbon Agreement of 1958, and the regional approaches adopted by the African Regional Intellectual Property Organization and Organisation Africaine de la Propriété Intellectuelle. As for the future of legal protection for African GIs, the solution presented in this paper is not to choose between a sui generis or trademark approach. Situations in each African country are different, as showcased in countries like South Africa and Morocco that use sui generis and trademark protection. Attention should, however, turn towards technical assistance that could be achieved from the local level to the national and continental levels. This paper discusses the current state of geographical indications, highlighting Africa's current reception of geographical indications. It also discusses the regulatory framework applicable in African states and recommends addressing specific key emerging challenges.*

**Keywords:** *African Geographical indications, Intellectual Property Rights.*

### 1. Understanding Geographical Indications

There are thousands of registered Geographical Indications (GIs) in the European Union today worth billions of Euros. Worldwide, the World Intellectual Property Organization (WIPO) reports that at least 65,900 protected GIs exist, accounting for agricultural and non-agricultural products. Unfortunately, Africa has yet to harness the full potential that GIs offer. GIs offer an approach towards intellectual property rights that does not involve the creation of a new idea and entails commercializing a unique product owned by a particular group of people, mainly small-scale farmers, to a broader audience for economic gain and rural development, amongst other advantages. Like the rest of the world, GIs in Africa are conceptualized through two legal approaches: a *sui generis* approach or a trademark approach. The Trade-Related Aspects of Intellectual Property Rights Agreement (TRIPS) guides the two approaches. At the same time, some jurisdictions opt to go further and adhere to the Geneva Act of the Lisbon Agreement of 1958 (Lisbon Agreement). Regionally, the African Regional Intellectual Property Organization (ARIPO) and *Organisation Africaine de la Propriété Intellectuelle* (OAPI) have taken a practical approach in aiding the registration and the identification of GIs within their respective Member States, resulting in the registration of over 20 GIs collectively and a database for potential GIs. At the continental level, the African Union introduced the Continental Strategy for Geographical Indications in Africa (2017-2023), intended to aid in developing, promoting, and protecting African GIs. The strategy is the first to focus solely on African GIs and serve as a blueprint for the future of GIs on the continent.

In terms of Article 22 of the Trade Related Aspects of Intellectual Property Rights (TRIPS) Agreement, Geographical Indications (GIs) are, '*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.*' GIs can simply be defined as distinctive signs placed on goods or services to indicate a characteristic or reputation that is associated with its geographical origin. This definition by TRIPS stipulates an expanded hypothesis for appellations of origin as per the Geneva Act of the Lisbon Agreement of 1958 (Lisbon Agreement), giving validity to the protection of goods that merely derive a reputation from their place of origin, without possessing a given quality or other characteristics that are due to that place.<sup>1</sup> Consequently, GIs have become the result of technical, social, and economic interactions involving the mobilization of specific local resources such as local knowledge, cultural traditions, and resources from the

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<sup>1</sup> Lisbon Agreement, article 2.

natural environment and building a product reputation within marketing chains between producers and consumers.<sup>2</sup>

A GI mark also suggests a type of intellectual property, not only because they are guaranteed under several international conventions and treaties, most notably, the TRIPS Agreement, but because they are regarded as collective rights as it is often held by producers of a specific good in a defined geographical area, with a specific positive reputation, to protect themselves from misuse of that geographical name.<sup>3</sup> Additionally, GIs are often used as a protection tool over products, ensuring there is no misuse or imitation, therefore, guaranteeing the true origin of the product. GIs are an important tool for maintaining 'value-added' products arising from specific territories. They have the potential to enhance the reputation associated with the region, encouraging a vast number of positive outcomes amongst them, tourism, rural development and biodiversity conservation, sectors that has immense potential for developing African nations.<sup>4</sup> Official recognition of GI products are seen as a means to not only protect and assert identity, but also to promote the economic organization while providing added value.<sup>5</sup> However, GIs do not always necessarily come with immediate economic impact, but do have the capacity to become instruments for policies governing economic impact if they are associated with the relevant rules.<sup>6</sup>

However, the existence of GIs in Africa and other developing countries is still a relatively recent phenomenon. Europe has proved the efficiency of GIs through various frameworks, and the question concerning which market they are geared towards is whether they achieve commercial gain and improve rurality. In Europe, for example, GIs and other traditional specialties accounted for an estimated sales value of 77.15 billion euros in 2017 alone.<sup>7</sup> In Cameroon, the registration of *Oku White Honey* saw the shift towards niche international markets while maintaining its already established domestic markets, and a few years later, it saw the sale prices per kilogram increase by 40%. Additionally, the sale of a liter of *Oku White Honey* rose from 1,500 CFA francs to approximately 4,000 CFA francs in 2014.<sup>8</sup>

## 2. Conceptualizing Geographical Indications in Africa

Unlike the Lisbon Agreement, the TRIPS Agreement requires all WTO member states to incorporate its provisions into their existing domestic legislations directly.<sup>9</sup> Therefore, each Member State can choose the appropriate way of incorporating its obligations (under TRIPS) into the domestic legislation. Unfortunately, GI implementation consequently became uncoordinated, in Africa especially, primarily since each jurisdiction could do as they pleased, leaving the distinction between GI systems as either *sui generis* ('registration') or trademark (non-registration) protection approaches.

### *Sui Generis Approach*

A *sui generis* approach protects the names of products characterized by the good or service connection with a given geographical area. It is used to avoid misuse and or misappropriation of distinct products to achieve economic gain. This approach encapsulates specific national legislations for geographical indications, with corresponding regulations. The approach needs to be more widely implemented. African countries with *sui generis* legislation for GIs tend to rely heavily on their already established trademark laws, creating an unwanted overlap. Zimbabwe uses its Geographical Indications Act (2001) and mirrors the TRIPS Agreement definition of GIs as '*an indication, however expressed, which identifies a product as originating in a particular area, where some quality, reputation or other characteristic of the product is essentially attributable to its*

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<sup>2</sup> G., B., & J., M. A. (2017). Geographical Indications, Public Goods and Sustainable Development: The Roles of Actors' *Strategies and Public Policies*. WD.

<sup>3</sup> P, M. D. (2021). Examining the Development Attributed to Geographical Indications. *Journal of World Intellectual Property*, 1-20.

<sup>4</sup> Sautier, D., Estelle, B., & Claire, C. (2011). Geographical Indications in Developing Countries. In E. Barham, & B. Sylvander, *Labels of Origin for Food* (pp. 138-153). CAB International.

<sup>5</sup> Ibid at 4

<sup>6</sup> Biosvert, V. (2006). From the Conservation of Genetic Diversity to the Promotion of Quality Foodstuff: Can the French Model of 'Appellation d'Origine Contrôlée' be Exported? CGIAR Systemwide Program on Collective Action and Property Rights.

<sup>7</sup> European Commission. (2020, April 20). Geographical Indications- a European treasure worth 75 billion. Retrieved June 2023, from European Commission (EC)

<sup>8</sup> Ibid at 8

<sup>9</sup> TRIPS Agreement, Article 1

*geographical origin.*' However, the *sui generis* approach for GIs in Zimbabwe is not unaccompanied as the countries trademark law and consumer protection laws are also available for GI protection. Morocco similarly opts for a *sui generis* approach to GIs with the use of Law No.25-06 on the distinctive signs of origin and quality of food, agricultural and fishery products; Decree 2-08-403 on distinctive signs of origin and quality of food and agricultural fishery products and Decree No. 2-08-404 on the composition and functioning of the National Commission of Distinctive Signs of Origin and Quality. A GI is defined under Law No.25-06 as '*a name used to identify a product as originating in a territory, region or locality, where a quality, reputation or any other specific characteristic of that product may be attributed essentially to that geographical origin and that production and/ or processing and/ or preparation take place in the defined geographical area.*' Moreover, Morocco has a more detailed *sui generis* law for its GIs, as it simultaneously gives the distinctions between an agricultural label and appellations of origin under Article 2 of Law No. 25-06 and additionally under Article 3 of Law No. 25-06 where it provides for the protection of traditional names, geographical or not as well as other certain geographical designations as either GIs or appellations of origin.<sup>10</sup> Morocco is the first African country to register a GI with *Argane* and has gone on to conclude an agreement with the European Union concerning the protection of food and agricultural products that are produced in specific geographical locations and improve the reputation of their unique agricultural products.

### **Trademark Approach**

African nations that have adopted this approach have done so primarily since they already had a completed trademark regulation legal system constituting legislations and regulations to support the administrative and departmental functions for trademarks. It allows these jurisdictions to take advantage of existing systems and ease the expense of designing new legislation for GIs. Trademarks often consist of a fanciful or arbitrary sign, but a GI is often predetermined by the name of the geographical area where the product is produced. Under trademark law, GIs are protected as collective, certification marks, or both. The Paris Convention for the Protection of Industrial Property (1883) makes the protection of collective marks under Article 7.

The main difference between trademarks and collective or certification marks is that trademarks identify and distinguish the goods and services of an individual, while the latter identifies and distinguishes the goods and services of many, i.e., a group of enterprises. The power to decide whether to use a collective mark or a certification mark for GIs lies in the membership of each producer group. A collective mark is controlled by an association, while a certification mark is controlled by an individual or a certifying body that sets the rules of certification. For countries that have chosen a trademark approach, the use of certification and collective marks has been the suitable approach. Producers of agro-products in Africa tend to be grouped into producer groups, i.e., cooperative societies, since majority is smallholder farmers, and such associations ease the financial burden. Kenya for example, currently opts to secure its GIs through trademark law, with provisions for distinctiveness including '*a word or words having no direct reference to the character or quality of the goods, and not being according to its ordinary signification a geographical name or surname*'<sup>11</sup> and GI protection specifically falling under collective trademarks or service marks.<sup>12</sup> *Coffee Kenya* is registered as a certification mark of origin and is marketed in the international market and is aimed at improving coffee traceability as well as improving the sales for the members of these producer groups. In South Africa, *Karoo Meat of Origin* for lamb and mutton from the Karoo region in South Africa is another example of a certification mark, owned by the Karoo development Foundation.<sup>13</sup> As a certification mark, it signals the origin of the product, with aid from South African companies and the Intellectual Property Commission, the South African DAFF under the Agricultural Products Standards Act, the Consumer Protection Act and labeling regulations.<sup>14</sup> Additionally, protection is similarly available under common law and statute, thereby allowing those that comply with the rules and protocol to use the mark.

<sup>10</sup>Morocco's Law No. 25-06, [https://apps.fas.usda.gov/newgainapi/api/report/downloadreportbyfilename?filename=Geographical%20Indications\\_Rabat\\_Morocco\\_9-25-2018.pdf](https://apps.fas.usda.gov/newgainapi/api/report/downloadreportbyfilename?filename=Geographical%20Indications_Rabat_Morocco_9-25-2018.pdf)

<sup>11</sup> Kenya's Trademark Act, Cap 506 Article 12

<sup>12</sup> Kenya's Trademark Act, Cap 506 Article 40A (5)

<sup>13</sup> See <https://karoofoundation.co.za/karoo-lamb/> accessed on 20 June 2023.

<sup>14</sup>See, [https://sadc-epa-outreach.com/images/files/geographical\\_indications/introducing-south-africa-iconic-meat-product-karoo-lamb-johann-kirsten-director-bureau-for-economic-research-stellenbosch-university.pdf](https://sadc-epa-outreach.com/images/files/geographical_indications/introducing-south-africa-iconic-meat-product-karoo-lamb-johann-kirsten-director-bureau-for-economic-research-stellenbosch-university.pdf)

Therefore, trademarks are used to sell goods and services which bear the mark and function as a means to an end. This allows customers who have concerns over the quality of the products to have confidence in the quality they purchase. The mark is able to communicate to the purchaser that the good or service in question is of a particular quality, making this approach appropriate for GI protection.

### 3. Africa's Regional Protection of GIs

#### *African Regional Intellectual Property Organization (ARIPO)*

This is the intergovernmental organization that grants and administers Intellectual Property titles on behalf of its member states and provides them with information on IP through search services, publications and awareness creation.<sup>15</sup> Currently there are 21 Member States namely, Botswana, Kingdom of Eswatini, The Gambia, Ghana, Kenya, Kingdom of Lesotho, Liberia, Malawi, Mauritius, Mozambique, Namibia, Rwanda, Sao Tome and Principe, Seychelles, Sierra Leone, Somalia, Sudan, Uganda, United Republic of Tanzania, Zambia and Zimbabwe. From its 21 members, there are only a few GIs registered<sup>16</sup>, for example Ghana with *Bolga Baskets*, *Dzomi red palm oil*, *Ghana cocoa* and *Ghana shea butter*, Mozambique with *Cabruto de tete* under sui generis protection and Kenya having *Coffee Kenya*, *Kenya tea* and *Taita Basket*. Unfortunately, ARIPO's Regional IP database still does not provide any data for GIs originating from its members and the term 'geographical indications' is also not available on the database. Nevertheless, there is a well detailed database for patents, designs and trademarks that have been filed by each country (ARIPO, 2023). ARIPO relies on members' choice of GI protection therefore does not present a unified approach when it comes to GI protection. Each member registers their GIs through the system of their choice and then files under ARIPO. ARIPO and OAPI show a more unified IP registration system but not all African countries have chosen to become part of them. Nigeria and South Africa are two of Africa's biggest economies and both are not part of either organizations.

#### *Organisation Africaine de la Propriété Intellectuelle (OAPI)*

OAPI is a result of the Bangui Agreement and is the IP filing system for seventeen, mainly francophone African countries. Member states share mutual legal protection for intellectual property rights from 1977, as well as guidelines and definitions in regard to GIs.<sup>17</sup> Current members include Benin, Burkina Faso, Cameroon, the Central African Republic, Chad, the Comoros, the Congo, Côte d'Ivoire, Equatorial Guinea, Guinea Bissau, Mali, Mauritania, the Niger, Senegal and Togo. OAPI has more GIs registered than its counterpart ARIPO, having registered GIs with *Ananas Pain de Sucre du plateau d'Allada* from Benin, *Chapeau de Saponé* from Burkina Faso, *Oku white honey* and *Poivre de Penja* from Cameroon, *Belle de Guinée* and *Café Ziama Macenta* from Guinea, *Bandiagara Jaba* from Mali and *Tchoukou du Niger*, *de la peau de la Chèvre Rousse de Maradi*, *Kilichi du Niger*, *Oignon violet de Galmi* and *Tchoukou du Niger* from Niger.<sup>18</sup>

The OAPI GI system has been criticized for being propelled largely by its colonial connections as well as its widespread economic and political dependency on France. For example, the French have offered support for the registration of most of the GIs registered in OAPI. The IPR system is well streamlined, with members having the option of using collective trademarks or a sui generis approach for their place-based products. Additionally, OAPI has collaborated with and received extensive technical assistance from a few French institutions, including the French National Intellectual Property Institute (INPI), French National Institute of Origin and Quality (INAO), French Agricultural Research Centre for International Development (CIRAD) and the French Development Agency (AFD).<sup>19</sup>

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<sup>15</sup>ARIPO. (2023, June). About Us. Retrieved from African Regional Intellectual Property Organisation, Retrieved from [https://www.aripo.org/public/about-us#:~:text=The%20African%20Regional%20Intellectual%20Property%20Organization%20\(ARIPO\)%20\(hereinafter%20referred,the%20form%20of%20search%20services%2C](https://www.aripo.org/public/about-us#:~:text=The%20African%20Regional%20Intellectual%20Property%20Organization%20(ARIPO)%20(hereinafter%20referred,the%20form%20of%20search%20services%2C)

<sup>16</sup> The list of registered GIs in these regions is found in oriGIN's GI database. It is the only not for profit organization and serves as a global alliance for Geographical Indications from over 40 countries

<sup>17</sup> See OAPI, <http://www.oapi.int/index.php/en/ressources/accord-de-bangui>

<sup>18</sup> OriGIN, (2023, June 20), Advanced Search, Retrieved from Organization for an International Geographical Indications Network:

<sup>19</sup> Oguamanam, C., & Dagne, T. (2014). Geographical Indication (GI) Options for Ethiopian Coffee and Ghanaian Cocoa. In J. D. Beer, C. Armstrong, C. Oguamanam, & T. Schonwetter, Innovation and Intellectual Property: Collaborative Dynamics in Africa. UCT Press.

The AFD funded ‘Project to Support the Establishment of Geographical Indications in African Countries (PAMPIG) received 1 million Euros in funding as well as technical support from CIRAD.<sup>20</sup> Majority of registered GIs are EU funded with OAPI securing *Poivre de Penja*, from Cameroon. This attempt was legally and financially maintained by AfriPI, an institution financially backed by the European Commission and implemented by the European Union Intellectual Property Office (EUIPO).<sup>21</sup> *Poivre de Penja* is the first protected geographical indication from the OAPI region, which holds the greatest number of registered GIs.

GIs are used as a legal protection tool under OAPI, but its members have yet to introduce domestic legislative arrangements to implement the protection of GIs. GI producers and consumers in OAPI tend to use names that are attached to not only the places but also the biodiversity, local production, and or social identities. Establishing a GI system within OAPI regions would acknowledge the multidimensional legal, technical, organizational, and commercial challenges ahead and need to be backed by broader, systemic projects together with proper public agricultural policies and or territorial strategies.

#### 4. The African Union’s GI Strategy

The TRIPS Agreement is the catalyst for the inclusion of GI protection within legal frameworks, consequently having GI protection recognized by the majority of developing countries at the national and regional levels. In Africa, a number of countries amended their national laws to be in compliance with the TRIPS agreement, and regionally, that saw ARIPO and OAPI step up as recourse for IP filing in Africa. The Strategy was intended as a roadmap for the African Union Commission (AUC) in order to provide a common opportunity with the African Intellectual Property Organization (OAPI), the African Regional Intellectual Property Organization (ARIPO), Regional Economic Communities (RECs), countries as well as significant stakeholders. Additionally, it was intended to aid in developing, promoting, and protecting African GIs. It was geared towards creating sustainable regional and continental value chains with African GIs. It sought to empower smallholder farmers by helping them realize the potential of their rare products by using intellectual property, all while enhancing the cooperation of inclusive and sustainable value chains. The strategy was endorsed by the Secondary Ordinary Session of the Specialized Technical Committee (STC) on Agriculture, Rural Development Water and Environment in October 2017 which had a total of six outlined outcomes:<sup>22</sup>

- Outcome 1: An African vision on GIs as a tool contributing to sustainable rural development and food security and a GI African approach are developed and shared
- Outcome 2: Enabling a legal and institutional framework at the national and regional levels for the protection of GIs.
- Outcome 3: The development and registration of GI products as pilots and drivers for rural and sustainable development are supported, to provide learning and demonstrative effects.
- Outcome 4: Market development for GI products is promoted through innovative approaches on local markets, through regional trade among the RECs and on export markets.
- Outcome 5: Research, training programs and extension are encouraged to ensure the identification, development and diffusion of the best African tailored practices and to contribute to the African approach, in a context of climate change
- Outcome 6: awareness of all stakeholders, including consumers, is created, communication among stakeholders and information to a wider audience are insured.

Consequently, these outcomes were to be achieved through making available GI training in Africa programs<sup>23</sup>, the Africa GI web platform<sup>24</sup> and offering support to pilot GI projects. It was also presented as a policy document with an African approach towards GIs. ARIPO and OAPI have been considered effective ways to obtain wide-ranging protection in Africa since both regional offices cover more than 35 countries. Kenya and

<sup>20</sup> See CIRAD, <https://umr-innovation.cirad.fr/content/download/45804/256117/version/1/file/AlistarExpertiseIG.pdf>

<sup>21</sup>EUIPO. (2022, March 30). European Union Intellectual Property Office. Retrieved June 2023, from europa: <https://euipo.europa.eu/ohimportal/en/web/guest/-/news/-/poivre-de-penja-first-protected-geographical-indication-from-the-oapi-region?categoryIds=9721807>

<sup>22</sup>See the African Union document on the continental strategy for geographical indications, [https://au.int/sites/default/files/documents/36127-doc-au\\_gis\\_continental\\_strategy\\_enng\\_with-cover-1.pdf](https://au.int/sites/default/files/documents/36127-doc-au_gis_continental_strategy_enng_with-cover-1.pdf)

<sup>23</sup> See the Pan-African Geographical Indications information hub for full list of GI training programs, <https://africa-gi.com/en/pan-african-gi/training>

<sup>24</sup> See the Pan-African Geographical Indications information hub GI database prototype, <https://ipc-eui.com/africa/gi-search-2/gi1>

Ghana similarly received protection for their products prior to the GI Strategy. Mozambique was able to secure certification as a geographical indication in 2018.

### 5. The Future for African GIs

While the AU's main aim is to encourage continental integration, the one size fits all approach with regards to GI protection is not practical in the African context. The strategy drew its inspiration from a few African GIs such as *Poivre de Penja*, the pioneer registered GI. However, as mentioned earlier, this was made feasible by their historical ties to their former colonizers. Admittedly, GIs today are a legal instrument. However, having a legal framework for it is only one part of having successful GIs, especially for smaller communities. Institutional Framework in Africa with regard to GIs is highlighted as a success element but the nonexistence of institutional resources, costs for certification, low enforcement capacity and lack of synergy and coordination at the national and regional levels are highlighted as general weaknesses (AU, 2018).<sup>25</sup> To curb this, according to the strategy, there is the need for developing a shared African vision, approach and partnerships (including research action) to be able to improve the synergy among countries, partners and technical assistance projects (AU, 2018). This approach is taken because of ARIPO and OAPI being the major institutions that have aided in the registration of African GIs.

However, such support towards different national regulations is still relatively absent. This inclusion for GI protection is because of having to comply with the TRIPs agreement and not necessarily due to the unprecedented need to place some much-needed attention towards GI protection. Many African nations have not shown a willingness to put their focus on GIs. For example, over the last 10 years, there have been no changes in GI laws within the majority of African countries. Kenya, for example, had tabled a geographical indications bill (2007) but has yet to have the bill enacted into law. Moreover, GI projects include the project supporting the establishment of geographical indications (PAMPIG) for OAPI and ARIPO members and funded by the French Development Agency (AFD), and technical support by the International Cooperation Centre of Agricultural Research for Development (CIRAD) and ran from 2010-2014. This project is what led to the registering of the first GIs in sub-saharan Africa namely *poivre de Penja*, *Oku White Honey (miel blanc d'Oku)* and *Ziama macenta coffee (Café Ziama Macenta)*. The Food and Agricultural Organisation's (FAO) technical assistance for Tunisia from 2008 to 2009 for the support of an institutional framework on certification and development of a number of schemes, the International Trade Centre (ITC) and WIPO project on branding and protection of the Zanzibar clove, amongst others.<sup>26</sup>

Unfortunately, the majority of AU's member states have yet to experience the economic benefits associated with GIs, highlighting the poor infrastructure available to have successful GIs within its member states, especially regarding technical assistance. The issue to be addressed in the future is what constitutes a more Afrocentric approach, especially for the next face of the strategy, if there is to be any. It does not go without acknowledging that the heavy reliance on its European counterparts has shown to be productive especially for OAPI countries. However, countries such as South Africa have proved that if there are unique products not saturated in the market, with unique characteristics, such smallholder groups with the right support would harness the economic benefits of having a GI. Even with the aid from the European Union, protection of African GIs, save for South Africa, have secured GI protection within the EU. According to the European Union Intellectual Property Office, South Africa has secured protection for 106 GIs, with only 4 of them being categorized under food products and the rest being categorized under wines.<sup>27</sup> The four food items are *Honeybush/Heuningbos/Honeybush Tea/ Heuningbos Tea, Karoo Meat of Origin*. This is a result of well negotiated bilateral agreements.

There is also a deficit within ARIPO and OAPI in boosting the technical infrastructure for GIs within its members; there is also potential for a community-based approach, as countries such as Kenya have widely used cooperative movements to mobilize smallholder farmers. Since ARIPO and OAPI have both been successful in

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<sup>25</sup> AU. (2018, June). African Union. Retrieved from Continental Strategy for Geographical Indications in Africa 2018-2023: [https://au.int/sites/default/files/documents/36127-doc-au\\_gis\\_continental\\_strategy\\_engg\\_with-cover-1.pdf](https://au.int/sites/default/files/documents/36127-doc-au_gis_continental_strategy_engg_with-cover-1.pdf).

<sup>26</sup> The Continental Strategy highlights the 10 GI projects initiated in the continent, all financed by international institutions

<sup>27</sup> OriGIN, (2023, June 20), Advanced Search, Retrieved from Organization for an International Geographical Indications Network: [https://www.origin-gi.com/worldwide-gi-compilation/?or-global\\_search=&or-countries\\_of\\_origin%5B%5D=BF&or-world\\_region=&or-legal\\_protection=&or-product\\_tags=&or-third\\_countries\\_of\\_protection=&orderby=name-asc&numberpage=20&filters-submit=Filter#gi-tabl](https://www.origin-gi.com/worldwide-gi-compilation/?or-global_search=&or-countries_of_origin%5B%5D=BF&or-world_region=&or-legal_protection=&or-product_tags=&or-third_countries_of_protection=&orderby=name-asc&numberpage=20&filters-submit=Filter#gi-tabl)

the registration of GIs, albeit with heavy reliance on their European donors, this should not be understood as a disadvantage, as each group that benefited has recorded positive results in regard to sustainability, poverty alleviation, and rural development amongst other upticks from the UNCTAD's sustainable development goals. Since the presentation of the strategy for GIs in 2017, there have only been a handful of GIs registered by ARIPO and OAPI, and a total of 81 GIs have been registered collectively from all its 55 members.

## 6. Conclusion

Africa is endowed with unique products naturally occurring on the continent, and what is left is to market its products with the help of intellectual property rights. Although there has been a clear overdependence on the EU and other Western nations, it has resulted in the registration of GIs on the continent and the experience of the numerous potential African GIs. For example, the- African Database of Potential GIs has been developed by the Intellectual Property Offices of the African Union Member States with the support of the Intellectual Property Rights Action for Africa project and administered by the European Union Intellectual Property Office (EUIPO).<sup>28</sup> AfCTA provides a practical solution for such communities and a chance to change their focus towards participation in technical support programs, as this is the most important aspect of GIs. As for the countries that are not a part of ARIPO or OAPI, AfCTA offers the same reprieve, and each State is able to adjust according to its current GI protection status. OAPI's success is apparent, but its continuous reliance on Western funding and influence seems to contradict AU's policy towards self-sustenance.<sup>29</sup> All in all, GIs are a win for Africa. The studies behind initial pilot GIs have been a great resource, and now it's time to place more emphasis on implementing a more community-based approach and ways of securing funding for technical assistance that will empower such groups that will consequently take advantage of the trade revolution that AfCTA has the potential to offer. The future of African GIs is in its internationalization of GIs as it is an important issue within developing African countries. Within the wide framework set by the World Trade Organization (WTO) as well as Africa's regional bodies and trade agreements such as AfCTA, the pertinence and feasibility of GIs rely on very diverse processes, justifications, stakeholders, and markets that could be on the continent or across the pond. GIs seem to be one of the potentially beneficial tools that producers could use to control the intellectual property rights (IPRs) associated with the identity of their products.<sup>30</sup>

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<sup>28</sup> See the Pan-African Geographical Indications information hub, <https://ipc-eui.com/africa/>

<sup>29</sup> See the African Union Objectives, <https://au.int/en/overview>

<sup>30</sup> Sylvander, E. B. (2011), Labels of Origin for Food. In D. Sautier, & E. B. Cerdan, Geographical Indications in Developing Countries (pp. 138-153). CAB International.