

MORE THAN A NAME: HOW GEOGRAPHICAL INDICATIONS PROTECT GLOBAL HERITAGE & ECONOMIES

INTRODUCTION

Geographical Indications (GIs) and Appellations of Origin form a specialized branch of intellectual property rights designed to identify a product as originating from a specific geographical territory and possesses certain quality and characteristics as attributable to that region. Every region has unique and indigenous products whose quality, style, nature or essence are intrinsically attributable to them. For instance, Champagne is a sparkling wine that originates from and is closely associated with the Champagne region of France; Darjeeling Tea derives its distinctive qualities from the Darjeeling region of India; while Tequila is a spirit traditionally produced in designated regions of Mexico. Across the African continent, several products similarly embody the cultural heritage and traditions of their respective communities. Notable examples include Nigeria's Ofada Rice, Isi Agu fabric, and Kilishi; Ghana's Kente cloth; Kenya's Maasai Shúkà; and South Africa's Zulu Ilala Palm Baskets. These products not only serve as commercial assets but also preserve and promote the identity, heritage, craftsmanship, and traditions of the peoples and regions from which they originate.

GI rights do not confer monopoly over the raw materials, process, or technical know-how associated with a product. Rather, they protect the specific name, indication, or appellation that identifies the product as originating from a particular geographical area. The protection is to prevent individuals or entities that are not indigenous to that region from appropriating the name or indication in a manner that misleads consumers as to the true origin of the product. A person can produce and export sparkling wine, but they are not entitled to indicate that the wine is Champagne, not being a wine originating from the champagne region of France.

GIs are creation of statute, that is, a protection is offered only to the extent that there are statutory provisions ensuring that protection. While there are Treaties and Agreements that have provided for its protection, some countries have taken legislative initiatives to ensure that there are localized statutes to govern it.

TRADEMARKS V. GIS

Fundamental distinctions exist between traditional trademarks and GI. While trademark is concerned with distinctiveness and distinguishing of marks from the brands of others, GIs are distinctly tied to region, origin and source of a product and the unique characteristics derived from that environment.

As trademarks protect brand identity and customer recognition through perception, GIs protect a different peculiarity; Heritage. From documented processes to regional validation of the product amongst indigenes, the core value which GIs seek to secure

is the story of the people captured in tangible form through collective creativity and contribution.

Modern intellectual property strategy is rapidly and constructively shifting from GIs merely viewed as defensive, static legal mechanisms, to increasingly becoming managed as tangible corporate assets. This contemporary approach allows GIs to be commercialized, leveraged for collective financing, and systematically integrated into national trade portfolios for maximum economic returns.

LEGAL FRONTIERS

Compliance and regulatory frameworks of GIs span a multi-layered legal architecture operating across various legal layers from local to global level. The interplay of these legal layers facilitates the preservation of product quality, authenticity, and reputation while promoting fair competition and preventing the misuse or misappropriation of geographical names in commerce.

1. International Treaties

Globally, GIs and Appellations of Origin are governed by treaties, including the Paris Convention, the Madrid Agreement (1891), the Lisbon Agreement, and the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS)(1994). These international frameworks empower member States to establish formal measures to secure protected names and prevent counterfeiting, misappropriation, or misuse of products falsely claiming a specific regional origin.

The Madrid Agreement 1891 restricts the use of false indications of source. It is primarily protected by border customs enforcement lacking a centralised system of registration. The Lisbon Agreement provides protection to likeness and even translated wording of a product, even where the producer suffixes terms like “type”, “imitation” to conceal similarities, there is a central registration system.

The TRIPS Agreement 1994 provides double-tier protection under Article 22 against goods misleading the public or unfair competition and, Article 23 reserved for specific goods including wines. This instrument allows for international registration of both Appellations of Origin and GIs through a single procedure via the World Intellectual Property Organization (WIPO) applying the strict Lisbon standard to all types of goods.

2. Regional and National Protections in Africa

The extents of statutory protection for GIs varies considerably across the Africa, with more discernable legal structure in some parts including Morocco, Tunisia, Egypt and others, while GI protection in some African countries remains governed by region as well :

Several African nations have enacted specific legislation to govern GIs to offer adequate protection and compensation e.g. Ghana's *Geographical Indications Act, 2003*, Mauritius's *Geographical Indications Act*, and South Africa's *Geographical Indications Regulations* - administered through the *Agricultural Products Standards Act*.

3. The AfCFTA Protocol on IP Rights: At continental level, the adoption of the Protocol on Intellectual Property Rights under the African Continental Free Trade Area (AfCFTA) represents a major milestone. This protocol seeks to harmonize GI protections across Africa, building a unified framework to secure traditional African products across intra-African borders.

The Organisation Africaine de la Propriété Intellectuelle (OAPI) framework mostly governs francophone countries. It operates by the Bangui Agreement, with registration protection spanning 17 member states including Benin, Burkina Faso, CAR etc. wherein registration in any protects in member states, unifying security. The OAPI automatically invalidates registration of trademarks that contain GI if it's likely to mislead the public in a single effort to secure and promote local heritage.

4. The Nigerian Legislative Gap and Pipeline

Currently, Nigeria lacks specific *sui generis* GI legislation and is not a party to the international registration treaties that facilitate global designations. Consequently, our local producers cannot fully exploit or protect the reputation and economic value attached to unique regional assets.

However, a number of alternative measures have been put in place to ensure Nigerian manufacturers and producers do not end on the short end of the straw in realising benefits and opportunities from these GI assets, including:

- **Certification marks as an interim bridge:** In the absence of a dedicated GI framework, registration in Nigeria is restricted to certification marks under the extant Trade Marks Act. While a standard trademark distinguishes individual brand ownership, a certification mark verifies that the goods meet specific regional origin and quality standards, functioning as a structural bridge toward full GI protection.

- **Legislative reforms:** To rectify this historical gap, domestic legislative efforts such as revisions to Nigeria's industrial property laws and the draft Intellectual Property Enforcement Bill aim to introduce a dedicated *sui generis* system for GIs, allowing the country to fully commercialize and legally protect local domestic assets such as Kilishi and Ofada rice.

WHY DEPLOY GEOGRAPHICAL INDICATIONS

GI deployment is a highly lucrative global strategy for asset security and commercialization, especially for locals. Europe currently accounts for over 50% of the GIs in force globally, exemplified by premium protected products like Italy's *Prosciutto di Parma*. There are about 62,300 protected GIs globally according to WIPO Global intellectual property applications and active IP rights' (IP Facts and Figures 2025), collectively commanding tens of billions of dollars in high-value exports annually within international trade. The true strength of a GI, however, is grounded in the commercial nature it assumes, either (i) defensive - safeguarding foreign external cultural misappropriation and piggy-backing on domestic reputation, or (ii) offensive - focusing more on commercial scaling by transforming local items to premium global brands on the international marketplace.

France leverages *Bordeaux Wine* offensively to support both its national agricultural economy and drive luxury tourism into the Bordeaux region. Similarly, India utilizes the distinct Himalayan "muscatel" flavor profile of *Darjeeling Tea* to command premium pricing in global trade, directly sustaining competitive economic returns for its local indigenous population.

DATA GOVERNANCE AND SUPPLY CHAIN TRANSPARENCY

Executing a successful offensive GI strategy on a global scale requires robust data governance architectures and performance oriented registries. Real-time anti-counterfeiting and enforcement rely on verifiable data systems that guarantee absolute supply chain traceability, confirming that a product genuinely originates from its claimed territory, is authorised for commercial use and has been violated by one not so authorised.

GHANA'S KENTE FABRIC AMIDST LOCAL REALITIES

The fabric isn't just textile but a visual language depicting royal lineage and ancestry, the craft, believed to have been passed down from arachnids. From *ntomaban* strips to materials used in production, every step in weaving echoes elegance, which suffers

adulteration from foreign markets and deceptive counterfeits industrially mass produced faster than even locals can manufacture an original. Hence protection of this ancient craft is important for the preservation of a people and time.

Benefits of GI status for Kente

Securing a formal GI designation provides critical legal and economic protections for traditional West African textiles, it not only offers the following;

- **Exclusivity:** Restriction on the use of the name "Kente" strictly to traditional weavers operating within designated geographic regions.
- **Market Protection:** Provides accessible legal tools, including the GI database, to block and penalize the importation of cheap, mass-produced textile imitations from external markets that threaten local livelihoods.
- **Authenticity:** Validates product integrity and quality.

but boosts the inherent heritage and culture of its indigenes, giving them a sense of belonging and contribution on the world stage.

Although Ghana possesses a dedicated *Geographical Indications Act* since 2003, contemporary challenges have shifted from statutory law to practical operationalization measures for protection.

Converting regulations and compliances into economic value is where contention lies, contemporary initiatives are focusing on establishing active, enforceable legal registries. This process requires defining high product specifications, including the precise weaving techniques, historical patterns, and precise regional boundaries that qualify a fabric as authentic Kente. Each distinctive pattern and coloring holds a unique story and lineage as the *Oyokoman* with its red, gold and green patten representing internal political crises at a time.

Furthermore, organizing weavers into cohesive producer cooperatives is essential to effectively police international trade channels and maintain the long-term integrity of the market.

CONCLUSION

Effectively GI tailored legislation is vital to establishing a baseline legal architecture necessary for registration, recognition, domestic enforcement, and international protection of Geographical Indications and Appellations of Origin. Clear legal frameworks provide clear legal remedies against false representation, commercial misuse, and counterfeiting. With the lacuna of *sui generis* GI regulations, regional

producers remain structurally unequipped to fully commercialize their innovations, safeguard their collective reputations.