



Place-based branding for locally specific products

Nigeria's hand-dyed Abeokuta cloth

Revered, and machine-copied, internationally

ABOUT OPEN A.I.R.

Managed by the IP Unit in the University of Cape Town Faculty of Law and by the University of Ottawa Faculty of Law, with additional hubs in Egypt, Nigeria and Kenya and teams in 14 African countries, the **Open African Innovation Research and Training Project (Open A.I.R.)** is investigating ways in which innovation and intellectual property (IP) can combine in African settings in ways that (1) maximise networked, collaborative knowledge governance; (2) balance objectives of openness and protection; and (3) enhance the livelihoods of small-scale entrepreneurs.

OPEN A.I.R. VIDEO CHANNEL

To watch video of Open A.I.R. researcher Prof. Chidi Oguamanam discussing geographical indications, go to Open A.I.R.'s Afrinnovation YouTube channel, www.youtube.com/user/Afrinnovation.

This channel also provides videos on other Open A.I.R. research outputs.

ABEOKUTA, NIGERIA – The textile artisans of Itoku, a market area in the western Nigerian city of Abeokuta, would seem to have many things going for them. Their product, tie-and-dye cloth (known as *adire*), is dyed by hand with local dyes and is internationally recognised, respected and associated with Nigeria.



Photograph: Helen Chuma-Okoro

But this strong reputation is a mixed blessing, because enterprises not based in Abeokuta (and as far away as China) are replicating Abeokuta designs using low-cost machine methods, thus making it difficult for the more expensive authentic hand-dyed Abeokuta cloth to compete in the market.

Nigerian traditional tie-and-dye “is an indigenous knowledge that is slowly dying,” says Helen Chuma-Okoro, an Open A.I.R. researcher at the Nigerian Institute of Advanced Legal Studies (NIALS) in Lagos. It was for this reason that Chuma-Okoro and her NIALS colleagues Prof. Adebambo Adewopo and Dr. Adejoke Oyewunmi decided to investigate whether there might be an intellectual

property (IP) tool that Abeokuta artisans could use to preserve their small-scale production businesses based on inherited local knowledge.

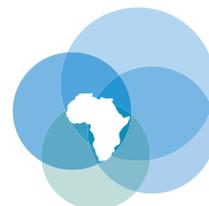
In their research, the NIALS researchers found that the Itoku cluster has a strong existing governance structure, via an association led by its Iya Oloja (executive head, pictured below).

Accordingly, the research team concluded that there could be potential in Abeokuta traditional textile-designers pursuing use of a geographical indication (GI) – a type of IP whereby the name of the place where a product originates is used in the product’s marketing, and can only be used by producers meeting certain locally specific requirements.

Once made aware of the idea of a GI by Chuma-Okoro and her colleagues, the Itoku artisans expressed interest. However, at the same time, the researchers caution that the artisans would need to receive a detailed cost-benefit analysis (beyond the scope of the NIALS study) before taking steps towards a GI. Experience with GIs elsewhere in the world (see p. 2) suggests that a mix of government and private institutions and mechanisms is required for successful

registration, certification, quality control and enforcement of GIs. Also required is national legal recognition of GIs as a form of IP and/or legal recognition of communal trademarks or certification trademarks. (Only the latter, certification trademarks, are at present expressly catered for in Nigerian law.)

This Abeokuta case study, and a study by Open A.I.R. researchers Prof. Chidi Oguamanam and Dr. Tesh Dagne that looks at GI potential for Ghanaian cocoa and Ethiopian coffee, are covered in the Open A.I.R. book *Innovation and Intellectual Property: Collaborative Dynamics in Africa*, available at www.openair.org.za/content/open-air-publications.





RECOMMENDATIONS	
To African producers of locally specific products	To African national policymakers
<ul style="list-style-type: none"> ■ establish a producers' association and quality controls for your product ■ document the product's characteristics that are unique and specific to its origin ■ procure a cost-benefit analysis to investigate the feasibility of deploying a geographical indication (GI) ■ investigate possible roles for government bodies, in cooperation with your association, in development and protection of a GI 	<ul style="list-style-type: none"> ■ involve your country's small-scale producers of traditional products in policy consultations related to IP, innovation and small-business development ■ ensure your national IP legislation provides protection for communal trademarks such as certification marks and collective marks ■ where the need is expressed by producers, investigate the feasibility of government support mechanisms for GIs – protected either by communal trademarks or via <i>sui generis</i> protection methods (see below)

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TYPES OF GEOGRAPHICAL INDICATION (GI) PROTECTION

In many parts of the world, GIs are not recognised in national law as a stand-alone form of IP, and GIs are protected via registration of communal trademarks (e.g. certification marks or collective marks). Some parts of the world have stand-alone *sui generis* (specific to the purpose) GI systems. In Europe, for instance, use of GIs (also known as "appellations of origin") for wines, spirits, agricultural products and foodstuffs is provided for by a *sui generis* system overseen by a combination of European Union and EU Member State legal provisions. Registration of GIs is handled cooperatively by the EU and individual Member States, with certification, quality control and enforcement performed cooperatively at Member State level by private producer bodies and state regulatory structures.

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FURTHER READING ON GIs

African Union (AU) Commission and European Commission (2011), "Creating Value Through Geographical Indications: The Power of Origin", workshop presentations and documents, Kampala, November, http://ec.europa.eu/agriculture/events/gi-africa-2011_en.htm

World Intellectual Property Organisation (WIPO), "Geographical Indications", www.wipo.int/geo_indications/en/

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