

Geographical Indications in Africa:

Challenges, Opportunities, and
Strategies in Tailoring a Legal
Framework in Ethiopia

Ethiopian GI Law Initiative: Background



- TM Registration and Licensing Initiative for Coffee: Launched in 2004.
- 3 coffee names registered as TM in major export markets: Harrar, Yirgacheffe, Sidamo
- Licensing with foreign importers, roasters and retails planned, but not in implemented.
- No connection with coffee farmers, processors, exporters etc.
- Long-felt Need for GIs; yet lack of resources and expertise.

• Early draft 2008

GIs for Origin-linked Products in Ethiopia (GOPE) project : The GI Support Fund– a French initiative to promote GIs in Africa

General Objective
: Introduce a GIs
system to
increase the
resources of
smallholder
producers in
Ethiopia by
improving the
efficiency of
local value
chains

Specific objective 1
: Elaboration of a
legislative
framework for GIs:
proclamation and
implementing
regulation

Specific objective 2
: Implement a pilot
GI in the Ethiopian
coffee value chain
to simulate the
functioning of GIs

Specific Objective 3
: Capacity building
on GIs and project
coordination

A Consortium of Partners Coordinated by CIRAD

SO1 : Preparation of a legislative framework for GIs

- Implementation : EIPA, with participation of ECTA
- Technical assistance : Dr Marie-Vivien and (CIRAD) and Dr Dagne, IP experts

SO3 : Capacity building on GIs and project coordination

- Implementation : CIRAD & Dr Dagne
- Beneficiaries of capacity building : EIPA, ECTA & JUCAVM

Coordinati
on
committee

SO2 : pilot GI in the Ethiopian coffee value chain

- Implementation : ECTA & JUCAVM
- Technical assistance : Dr Pinard (CIRAD), coffee expert

Elaboration of a Legislative Framework for GIs

- Drawing Legislative Roadmap Toward GIs
 - A Mapping out of the relevant Ethiopian legal and institutional system
 - Outlining what ought to be the key features and attributes of a GI law in Ethiopia
- Constitute a Drafting Team: 6 members team composed of
 - EIPA: Legislative mandate on IP
 - Ethiopian Coffee and Tea Authority: Coordinate coffee stakeholders
 - Ethiopian Ministry of Justice: Technical drafting
 - IP experts: Dr. Delphine Marie-Vivien and Dr. Dagne

Legislative Drafting Activities



**Working Draft
Generated:
December 2023**



**Consultation
Sessions with
Stakeholders: Six
in Federal and
regional cities**

Product value chain stakeholders:
Coffee

Institutional stakeholders:
representatives from Ministries;
Commerce, Agriculture, Justice,
Innovation and Technology, Foreign
Affairs, Research Institutes, Academic
Institutions



**Drafting and
feedback
incorporation
retreats: five
retreats**

Drafting in Amharic
and English

Key Features Regarding:

- Definition
- Scope of Products
- Nature of applicant
- Representativeness
- Substantive Examination
- Control and Verification

Definition al Scope and Kind of Products Included

- **Definitional scope:** Geneva Act WIPO—
move away from PDO to PGI concept
 - 5/ "Geographical Indication" means an indication that identifies a good as originating in a geographical area where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin, at least one of the production steps of which takes place in the defined geographical area;
 - In case where such goods are manufactured products, raw materials for the goods concerned come from a geographical area larger than, or different from, the defined geographical area;
- **Products Covered:** broad spectrum
 - 4/ "A product or a good" means:
 - a) Agricultural products,
 - b) Natural products,
 - c) Handicrafts,
 - d) Industrial products,
 - e) Manufactured products

Nature of the Applicant

- 7/ The right to file an application
 - The following shall have the right to file an application:
 - 1/ Any collective management organization of producers or any producers group carrying on activity in the geographical area and representing the interest of producers with respect to the goods specified in the application;
 - 2/ Any organization or public body or public institution at federal, regional, or local level established by or under any law representing the interest of producers of goods specified in the application

Representativeness of the Applicant

8/ Representativeness of the applicant

- 1/ A collective management organization of producers or a producers group is deemed to be representative where:
 - a) its members produce at least 50% of the volumes of the relevant good
 - b) at least 50% of the producers of each step of production of the relevant good are members.
- 2/ An organization, public body or public institution at a federal, regional or local level established by or under any law is deemed to be representative where:
 - a) At least 50% of the producers, for each step of production of the relevant good, are agreeing to the application
- A single Applicant?
 - 3/ A single producer may be an applicant where:
 - a) the person concerned is the only producer willing to submit an application for the registration of a geographical indication; and
 - b) The geographical area concerned is defined on the basis of the link referred to in the Proclamation and not on the basis of property boundaries
 - c) as for all geographical indication, any producer complying with the specification will be authorized to use such GI applied by a single producer

Substantive Examination

- 14. 2/ The Substantive Examination is carried out by the Expert Team of Geographical indications.
 - The **Expert Team of Geographical indications** is comprised of **five** persons consisting of experts owning expertise in the field of Geographical indications and of the good. It is comprised of (1) representative from the Authority, (1) representative of the ministries or public bodies related to the good at federal, national or local level, (1) representative from authorized agencies or institutions supervising and/or assess quality of goods, and (2) experts well versed in the area of the good who will be appointed for each kind of good. The members of Expert Team of Geographical indications are **appointed and discharged by the Authority** as provided in the Regulations.

Control and Verification

Internal (Collective Management Organization) and External

28. Control of the compliance of the good with the book of specifications before commercialization:

Before the product is placed in the market



1/ A dedicated "Geographical indication control experts Committee" for each geographical indication will be established by the Authority, to conduct the external control of the product designated by the geographical indication. It is comprised of the members of the Expert Team that was in charge of the examination of the book of specification of such geographical indication, and a representative of the public authority of the geographical area who is from the sector of the good designated by the geographical indication. The Geographical indication control experts Committee shall be independent, impartial and transparent. It will have access to the report of internal controls conducted by the Collective Management Organization.

of the compliance to guarantee the origin and quality of the GI

Internal and External Control

30. Verification of the compliance of the good with the book of specifications after the product is put in the market

•1/ The Authority shall coordinate with the relevant authorities; bodies; bureaus or other entities for verification of and enforcement actions on the use of the geographical indication after the good designated by a geographical indication has been placed on the market, which includes controls at operations such as storage, transit, distribution, or offering for sale including in electronic commerce.

Outstanding Issues and Challenges

- Who is the collective management organization of producers in reality? Newly established entity for each GI vs Existing cooperatives? Existing national Associations? How about the Coffee and Tea Authority, organized at local and national levels?
 - The challenge of creating a new entity, or reforming the cooperatives in the Coffee sector?
- Who conducts substantive examination – matter of mandates: Inter-ministry competence
- Who conducts control and verification?
 - Matters of Competence and Practicality

UPCOMING GIs Conference

"Global Geographical Indication (GI) Certification Experiences: Insights for Ethiopian GI System"

- To be organized by the Ethiopian Intellectual Property Authority

Proposed date: May 27-28/2025 or June 3-4/2025 (aligning with H.E DG Daren Tang official visit to Ethiopia)