

4. VALORIZATION OF LOCAL PRODUCTS THROUGH THE PROTECTION OF GEOGRAPHICAL INDICATIONS IN BURKINA FASO: OPPORTUNITIES AND CHALLENGES

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ABSTRACT

This paper examines the opportunities and challenges available for local product valorization through the protection of geographical indications in Burkina Faso. It highlights that Burkina Faso has a limited human capacity and infrastructure to successfully implement a *sui generis* system of GIs protection 'à la Union Européenne.' The paper suggests that Burkina Faso can, alongside the *sui generis* GIs protection process, use an alternative system to protect many local products with national and international reputation in the short run through collective marks regime as provided for by the Annex 3 of the Bangui Agreement.

Keywords: *geographical indications, valorization, local products, labelling.*

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1. INTRODUCTION

Local products valorization can be done through many private and collective legal instruments such as certification marks, collective marks and specifically geographical indications as provided for by national and international legal instruments. Geographical indications (GIs) are indications that identify goods as originating in a specific location and where the quality, reputation or other characteristics of the goods are essentially attributable to its geographical origin.¹

The GI concept seems to be adequate to address actual issues relating to public policy. As such, evidence shows that GI protection has proven successful in the European Union.² There has been rising interest in the GI system among non-European countries³ including the *Organisation Africaine de la Propriété Intellectuelle*⁴ (OAPI) Member countries due to opportunities that GIs offer in terms of local social and economic development. The implementation of the PAMPIG (GIs promotion project) these last years with the financial and technical assistance of the AFD demonstrated the interest of

Engineering (2iE) in Ouagadougou (Burkina Faso). He participated in many intellectual property conferences and seminars organized by OAPI, WIPO and WTO over the last years.

¹ See Agreement on Trade-Related Aspects of Intellectual Property Rights (15 April 1994) 1869 U.N.T.S. 299, 33 I.L.M. 1197 (1994) [hereinafter TRIPS Agreement], art 22.1 <https://www.wto.org/legal_e27-trips> accessed on 6 December 2019.

² For instance, within the EU Member States, the number of registered geographical indication (Protected origin appellation, the source of origins) was 500 in 2000 according to Barjolle and Sylvander (2000) and, increased to more than 870 in 2011 according to DOOR (database on origin registration)(2011) <<http://ec.europa.eu/agriculture/quality/door/>> accessed on 6 December 2019.

³ Giovanni Belletti, Andrea Marescotti, Marguerite Paus, Angela Deppeler, Hansueli Stamm, Erik Thévenod-Mottet, *The Effects of Protecting Geographical Indications. Ways and Means of their Evaluation* (2nd revised ed, Swiss Federal Institute of Intellectual Property, 2011) 7.

⁴ English: African Intellectual Property Organization.

the OAPI Member countries to promote local products through the geographical indication system.

In this context, the paper underlines that protection through GIs have gotten greater political prominence and economic value with changes in the global economy.

There are however, controversial debates around the benefits gained from the GIs protection worldwide and the extent to which developing countries can benefit from them.⁵ An important piece of literature argues that existing levels of protection, as well as the European Union's current demand for greater protection⁶ cannot be justified for developing countries including the OAPI Members, especially Burkina Faso because of its complexity.

This paper highlights some opportunities available for local product valorization through the protection of GIs in Burkina Faso. It shows that developing countries including OAPI Member countries are likely to experience challenges that could constrain potential benefits of GI protection.⁷ The rest of the paper is organized as follows: Section 2 elaborates on the concept of GI. Section 3 reviews legal instruments that protect GIs. Sections 4 and 5 highlight opportunities for local product protection by the means of GIs and local initiatives taken in Burkina Faso to protect GIs, respectively. Section 6 analyses the challenges experienced by developing countries such as Burkina Faso in GI protection. Section 7 suggests an alternative for labelling of local products through collective marks in Burkina Faso. Section 8 provides the conclusion.

⁵ Cerkia Bramley, 'Paper prepared for presentation at the WIPO Worldwide Symposium on Geographical Indications' (Lima, Peru, 22-24 June 2011).

⁶ Kal Raustiala and Stephen R. Munzer, 'The Global Struggle over Geographic Indications' (2007) 18.2 European Journal of International Law 337, 365.

⁷ See Hankie Uluko, Adejoke Oyewunmi and George Mandewo, 'Protecting Geographical Indications in Malawi: Current Situation and Future Prospects' (May 2012) Vol.17 (3) JIPR 226, 234

2. CONCEPT OF GEOGRAPHICAL INDICATIONS

Designating food, agricultural or handicraft products by their place of origin is a universal and ancient practice. What is new is the possibility of officially recognizing and legally protecting them against imitation and counterfeiting.⁸ The term of geographical indication (GI) appeared recently in the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) of the World Trade Organization (WTO),⁹ which entered into force in 1995 and sets out minimum standards and constraining conditions for protection.

Article 22(1) of the TRIPS Agreement defines GI as '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.'¹⁰ Therefore, other similar concepts, including appellation of origin was first coined to protect products for which the characteristics and qualities are intrinsically link to their origin according the Article 10 of the Paris Convention as amended in 1979. While different definitions exist at the national, regional and international levels, the TRIPS Article 22 definition of GI is considered as the reference.¹¹

Some studies indicate that market failures may explain the economic rationale for GI protection through two GI features.¹² First, one must bear in mind that between consumers and producers, there may exist a problem of asymmetric information, meaning that consumers are not equally informed of the availability of tradable products in the market payable for the market price. Second, GIs are public goods and without protection, anybody could use GI brands

<<http://nopr.niscair.res.in/handle/123456789/14079>> accessed 14 November 2019. '[...] developing countries seem to have a limited human capacity and infrastructure to successfully implement a *sui generis* system of GIs protection 'à la Union Européenne.'

⁸ *ibid.*

⁹ TRIPS Agreement (n 1).

¹⁰ *ibid.*, art 22.1.

¹¹ *ibid.*

¹² See Uluko *et al* (n 7).

to distinguish products that may not have any link with the origin of production.¹³ As such, the GI concept has various applications that are, *inter alia*, a mean of market differentiation, a tool to foster and evaluate local identity or an instrument to conserve biodiversity.¹⁴

3. LEGAL INSTRUMENTS TO PROTECT GEOGRAPHICAL INDICATIONS IN BURKINA FASO

Geographical indications have received greater political prominence and economic value with changes in the global economy. As such, the protection of GIs are linked to both international and national legal frameworks.

A. HISTORICAL CONTEXT OF GEOGRAPHICAL PROTECTION IN THE OAPI REGION

The recognition of GIs is an important issue for the recognition, promotion and protection of heritage as a tool for economic development. As such in 2005, the Ministerial OAPI Conference on Geographical indications hosted in Ouagadougou on 6-7 December was the starting point of GI promotion in the OAPI region. In this regard, the final Declaration of the conference urged OAPI to proceed with the GI promotion action plan financial evaluation and mobilize technical and financial partners for its implementation in a short run.

Following the conference of Ouagadougou, the Project for the Establishment of Geographical Indications (PAMPIG), strongly inspired by the European experience, was designed in 2008, with the technical and financial support of the *Agence*

Francaise de Développement with the mandate of helping for the protection GIs in the OAPI region.

One must bear in mind that the OAPI is the regional intellectual property Organization for 17 Member countries and the headquarters is located in Yaoundé, Cameroon. Each member country of OAPI hosts a local office. Since the Agreement Revising the Bangui Agreement of 2 March 1977 in 1999¹⁵ (The Revised Bangui Agreement), the OAPI has succeeded to register only three GIs originating from its Member countries including the Okou white honey and Penja pepper of Cameroon, and Ziama Macenta coffee of Guinea.¹⁶ However, eligible candidate products for GIs protection do exist in OAPI member countries. These include, *Faso Dan Fani*¹⁷ of Burkina Faso, Sweetbread from Benin, *Spirulina* of Chad and Boké palm oil of Guinea¹⁸ among others, and contribute to the socio-economic wealth in the respective OAPI Member countries.

B. INTERNATIONAL LEGAL FRAMEWORKS OF GEOGRAPHICAL INDICATION PROTECTION

Various international legal frameworks address the protection of GIs. The most important international instrument for the protection of GIs is the TRIPS Agreement. The Paris Convention for the Protection of Industrial Property (1883) however was the first international law providing for the protection of product origins against 'false indications' according to Article 10. Moreover, the Madrid Agreement Concerning the International Registration of Marks of 1891

¹³ *ibid.*

¹⁴ Giovannucci Daniele, Tim Josling, William Kerr, Bernard O'Connor, May T. Yeung, *Guide to Geographical Indications: Linking Products and Their Origins* (Geneva, International Trade Centre 2009) <<http://www.intracen.org/publications/>> accessed 30 October 2019.

¹⁵ Agreement Revising the Bangui Agreement of 2 March 1977 on the Creation of an African Intellectual Property Organization (adopted on 24 February 1999, entered into force 28 February 2002) TRT/OA002/002 [hereinafter, Revised Bangui Agreement].

¹⁶ See 'Recent Developments on OAPI' (WIPO)

<https://www.wipo.int/geoind/wipo_geo_yty_17/wipo_geo_yty_17_9> accessed 29 November 2019.

¹⁷ A kind of handmade cloth which becomes these recent years the raw material of all official and traditional garment in Burkina Faso. The *Faso Dan Fani* is nationally and internationally well-known today as a product originating from Burkina Faso.

¹⁸ Cécé Kpohomou, 'Le système des Indications Géographiques (IG) de l'OAPI' (IP4Growth-Developpement des Capacités en Propriété Intellectuelle pour le Développement de l'Agriculture, Burkina Faso, 14 -17 octobre 2014).

(Madrid Agreement)¹⁹ captures GI protection by providing for the repression of false or deceptive indications. Lastly, the Lisbon Agreement on Appellations of Origin of 1958 (Lisbon Agreement)²⁰ set the standard of protection until the conclusion of the TRIPS Agreement.

Currently, on the international level, the TRIPS Agreement supplies the definition of GIs and provides a minimal framework that obliges each WTO Member-State to enforce national level protection measures within its territory.²¹ In that vein, some authors argue that the protection of GIs under the TRIPS framework can be justified as it allows WTO Member-States to choose the regime of protection suitable for their economic context and which provides more advantages in terms of local products' valorization.²² It is important to recall that Burkina Faso is a Least Developed Country (LDC) and normally it was not supposed to implement the TRIPS Agreement. However, as an OAPI Member country, Burkina has been bound to the TRIPS Agreement since 1999, due to the obligation imposed to the developing Member countries of OAPI to enforce the TRIPS Agreement in due course before 2000.

It is relevant to highlight that international legal instruments recognize two approaches as part of the protection of GIs. The protection of GIs by a public approach, that is, the *sui generis* system²³ on one hand, and a separate system for the registration of origin products by means of trademark as collective certification marks on the other. There is a huge similarity between GIs and collective marks. In fact, collective marks are similar to GIs, given that a code of conduct is mandatory when filing an application of GI or collective marks.

However, there are differences in terms of their characteristics. While collective marks are filed and utilized by cooperative or collective groups in order to distinguish their services or products according to a code of conduct, GIs are indications that identify goods as originating in a specific location and where the quality, reputation or other characteristics of the goods are essentially attributable to its geographical origin.²⁴ As such, two tendencies for GI protection appear - the European *sui generis* protection of GIs and Appellations of Origin and the US' system of collective certification marks. Therefore, the Lisbon Agreement as revised in 2015 under high tensions between the European Union and US²⁵ is nevertheless rooted in European GI protection.

C. REGIONAL AND NATIONAL LEGAL PROTECTION OF GEOGRAPHICAL INDICATIONS

Burkina Faso is a member of the OAPI. The Revised Bangui Agreement is the regional and at the same time the national legal instrument for the protection of intellectual property rights (IPR) in all 17 Member countries. As such, the OAPI has a unique IPR protection system in the world whereby a single filing grants relevant intellectual property (IP) protection across all 17 Member countries.²⁶

According to the Revised Bangui Agreement, which is the primary IP legal instrument for each Member country, GIs are indications that are used to identify a product as being originated from a territory, or a region, or a locality of this territory, in the cases whereby a quality, reputation or other determined product characteristics can be attributed essentially to this geographical origin.²⁷ Regarding this definition, the protection of GIs in Burkina Faso is given under:

¹⁹ See Madrid Agreement Concerning the International Registration of Marks of 1891 [hereinafter Madrid Agreement], art 1(1).

²⁰ See Lisbon Agreement on Appellations of Origin of 1958 [hereinafter Lisbon Arrangement], art 2.

²¹ Bernard O'Connor, *The Law of Geographical Indications* (Cameroon, May 2004) 501.

²² *ibid.*

²³ *Sui generis* system is a specific protection of GIs.

²⁴ O'Connor (n 2) 1.

²⁵ *ibid.* 14.

²⁶ There is not a national protection title delivery because of the centralized procedure system: one office, one filing, one filing fees and one delivered title that covers all the 17 OAPI Member countries.

²⁷ See Revised Bangui Agreement (n 15), art 1.1 of annex 6.

- Annex 6 of the Revised Bangui Agreement, which provides for the protection of GIs through a *sui generis* protection that is strongly inspired by the European Union GI protection system;
- Annex 3 of the Revised Bangui Agreement, which provides for the protection of collective marks.
- Eligible GI applicants are groups or individual persons acting as a producer in the delimited area and the specified product or a group of persons, a group of consumers or any competent authority.²⁸ The Revised Bangui Agreement provides for the principle of national comity of GI protection which is supposed to supervise the identification of eligible products and design the code of specification.²⁹ While the decision of recognizing belongs to the competent Ministry,³⁰ and the OAPI is responsible for the registration.

However, the existing level of protection in the OAPI Member countries, deeply inspired by the European Union GI system as well as the current position of the European Union for even greater protection, cannot be justified because a burgeoning literature and evidence³¹ shows that its enforcement is challenging for OAPI Member countries, especially Burkina Faso, even though Burkina Faso has been a Member of the Lisbon Arrangement since 23 May 1975.

4. OPPORTUNITIES FOR PROMOTING LOCAL PRODUCTS BY THE MEAN OF GEOGRAPHICAL INDICATION

‘Evidence from the market and literature show that the promotion and protection of products under GI may result in higher economic gains, foster quality production and equitable distribution of profits for LDC rural communities.’³²

²⁸ See Revised Bangui Agreement (n 15), art 6 of annex 6.

²⁹ Bernard Bridier and Didier Chabrol, ‘Indications géographiques en Afrique de l’Ouest et du Centre: raisonner la diversité’ in *Savanes africaines en développement : innover pour durer*, 2009 Apr 20 (9), cirad.

³⁰ In Burkina Faso, the Ministry in charge of Industry is the competent authority to make the official recognition of GI on the national level.

³¹ See Uluko *et al* (n 7) 234

The GI concept is likely to fit in actual public policy design and enforcement including ‘the preservation of cultural heritage, landscapes, and biodiversity, the consumer trust in the food system, the promotion of sustainable agricultural practices and the protection and remuneration of traditional knowledge and genetic resources.’³³ As such, GI protection has been hugely successful in the European Union. Evidence shows that there is also a rising interest in GIs these last years in non-European countries, including in the OAPI region. The recognition of GIs is an important issue for both, recognition and protection of heritage as a tool for economic development. Several advantages of protecting GIs can be drawn as follows:

- Economic advantages are linked to the creation of added value.³⁴ Evidence shows that GI products more often generate income higher than those without GI protection. For instance, the price for Penja pepper in Cameroon increased from 9 US Dollars to overall 20 US Dollars and 130 US Dollars per kilogram in France after its protection by means of GIs.³⁵
- Legal advantages relate to protection against usurpation and counterfeiting.³⁶ The protection of GI can prevent consumers, who sometimes hope that they are buying authentic products, from being misled by imitations without any value. Moreover, the legitimated producers are protected against the prejudice linked to the loss of their commercial operation benefits and the dilution of the reputation of their products;
- Socio-cultural benefits: the protection of GIs contributes to the preservation of socio-cultural values.³⁷ GIs enhance traditional and cultural patrimony, know-how and the

³² ‘Why Geographical Indications for Least Developed Countries (LDCs)’ (UNCTAD, 2015).

³³ *ibid* 3.

³⁴ Irene Calboli and Daniel Gervais, ‘Socio-Economic Aspects of Geographical Indications’ (WIPO, 2016)

<http://www.wipo.int/edocs/mdocs/geoind/en/wipo_geo_bud_15/wipo_geo_bud_15_9.pdf> accessed 14 November 2019.

³⁵ *ibid*.

³⁶ *ibid*.

³⁷ Calboli and Gervais (n 34).

standard of living in concerned regions. Furthermore, GI protection contributes towards strengthening local pride linked to the recognition of local identity;

- Environmental benefits and biodiversity conservation:³⁸ The procedure for recognition of GIs advocates for sustainable use of natural resources and traditional production methods unlike modern techniques that often have a negative impact on the environment. Moreover, GI protection procedures necessitate to take into consideration all traditional plant varieties and microorganisms by adapting them to local areas. Furthermore, the procedure of GI protection can limit the negative impact of specialization and economic rationing.

From the above, the importance of GI protection is evident. Thus, it is the responsibility of OAPI Members countries to take advantage of GI protection procedures in order to win niche markets worldwide so that they can generate substantial revenue for the members' national economies.

5. REGIONAL AND NATIONAL INITIATIVES OF LOCAL PRODUCTS' PROMOTION BY THE SYSTEM OF GIs

Like every country, Burkina Faso has products that are specific to it, stemming from its soil and attached to its identity that can be valued and promoted by the system of labelling. Potential candidate products for GIs Protection do exist and contribute to Burkina Faso's socio-economic wealth.³⁹

In order to promote GIs, the OAPI, with support and finance from the *Agence Française de Développement* (AFD), designed and implemented the Support Project for the Establishment of Geographical Indications (PAMPIG) in its Member countries over 2008-2012.

Burkina Faso's membership in OAPI has enabled it to benefit from the PAMPIG over 2008-2012. The achievements of this project were *inter alia*:⁴⁰

- Training of officials of OAPI member countries in charge of GI protection;
- Identification of candidate products for GI protection in all OAPI Member countries;
- Accompaniment of some candidate products towards GI protection procedures that being further the first geographical indications in the OAPI region, particularly in Cameroon (Okou white honey and Penja pepper) and Guinea (Ziama Macenta coffee).

In Burkina Faso, the identification campaign of candidate products for GIs was conducted within the framework of the GI National Committee's activities.⁴¹ The process of identification campaign has consisted of:

- Meeting producers, distributors, processors, local authorities in order to raise awareness on the importance of GI protection;
- Fieldwork visits with the actors.

Finally, the list of identified products selected by the OAPI at the end of the identification campaign that were likely to be protected by the mean of GIs are the following: the 'sweet peas of Comoé', the 'traditional wear of Dagara' from Dano, the 'hat of Saponé', the 'woven loincloths' of Koungny. However, up to now any of these products have not been protected by the mean of GI yet due to the complex procedures of GIs protection.

6. CHALLENGES OF GEOGRAPHICAL INDICATION PROTECTION

The concept of GI protection is well known and established in some cultures including Europe. Contrary to the European culture of GI protection, origin product protection does not have a long history in some developing countries, including Burkina Faso.

The march towards GIs uses:

³⁸ *ibid.*

³⁹ *Faso Dan Fani*, the hat of Saponé, the shea butter of Sissili, the leathers and skins of Kaya and the sweet peas of Kenedougou.

⁴⁰ *ibid* 18.

⁴¹ MICA/MASAH: 'Identification des produits candidats aux indications géographique' (2011).

- A legal procedure described in Annex 6 of the 1999 Agreement Revising the Bangui Agreement of 2 March 1977;
- A complex procedure compared to the procedures used for protecting other industrial property titles such as trademark or industrial design.

Let recall that the recognition of GI in the OAPI region is realized under two steps. The National phase for which the cooperative or association identifies the candidate products and delimitate the area, designs a Code of practice and adopt that code. Moreover, the National phase ends with the validation of GI by a National Comity of GI created in each OAPI Member. While the regional phase is about the filing of the application to OAPI by the applicant cooperative or association. It appears that the process is too long to be followed in order for producers to successfully file GI protection applications.

Evidence shows the paucity of GI protection in the OAPI region and in Burkina Faso. As such, despite the existence of many potential candidate products for GI protection in Burkina Faso, until now, no GI has yet received protection. For example, considering the 17 OAPI Member countries till now, only three products originating from these countries, including Penja pepper, Oku white honey and *Ziama de Macenta* coffee have been protected by the means of a GI.⁴²

From the above, one may argue that the existing level of protection measures implemented in some developing countries as well as the current option of the European Union for even greater protection⁴³ cannot be justified for developing countries⁴⁴ such as the OAPI Member countries, especially Burkina Faso. The current available GI protection

system in the OAPI member countries, especially in Burkina Faso, is not suitable for the local organizational context. Burkina Faso, like many other LDCs has limited human capacity, administrative organization, technical infrastructure and little expertise and financial resources⁴⁵ to successfully implement a *sui generis* system of GIs protection *à la Union Européenne*⁴⁶ that requires complex procedures. GI protection *à la Union Européenne* starts with products' Identification and zone delimitations, followed by the producer organization onto to cooperative and association, and the designing of the code of specification. This process necessitates some expertise in many fields such agriculture, handicraft, industry, trade and marketing.

7. WHAT IS THE ALTERNATIVE? LABELLING LOCAL PRODUCTS BY THE SYSTEM OF COLLECTIVE MARKS

Labelling agricultural, food and handicraft products with GIs, and thus protecting their names, contributes to regional development by facilitating participation of local entrepreneurs and producers in regional, national or international markets. Since the entry into force of the Revised Bangui Agreement, Burkina Faso has not yet filed any GI for protection to OAPI. However, many reputed products are facing unfair competition on regional and international levels. As such, Burkina Faso designed a pilot project of labelling certain local products through the system of collective marks in 2017.

Collective marks are signs used only by the members of a group, a cooperative or an association to identify their products or services and display the link connecting these products to the group, the association or the cooperative and their standards. The registration of collective marks is the

⁴² *ibid* 15.

⁴³ Surbhi Jain, 'Effects of the Extension of Geographical Indications: a South Asian Perspective' (2009) Vol. 16, No. 2, Asia-Pacific Development Journal. 'The European Union, in contrast, seeks to establish, through its regional/bilateral agreements, a *sui generis* form of GI protection that clearly prevails over conflicting trademarks. Thus, the European Union seeks to eliminate the exceptions available under article 24.5 of the TRIPS Agreement.'

⁴⁴ *ibid* 7.

⁴⁵ Gle Kodffi Emmanuel, 'Geographical Indications in Africa' (INTERGI 9, 9th international GI training, le Courtil, Switzerland, 21 October – 1 November 2013) Agricultural Policies and Sustainable Development Cooperation University of Lausanne-Switzerland/ REDD <https://agritrop.cirad.fr/document_571269> accessed 28 November 2019.

⁴⁶*ibid* 27.

same as for any trademark however, the regulation of use should be provided by the association or the cooperative that files that collective mark.⁴⁷ Collective mark is the mark whose terms of use are set by a code of practice and that only public or private law groups with legal personality and their members can use.⁴⁸

In that vein, the process of labelling local reputed products including handmade woven loincloth called *Faso Dan Fani*, the hat of Saponé, the leathers and skin of Kaya and the Sissili Shea butter was launched in December 2018. From the above, Decree⁴⁹ providing for the creation, mandate, organization, and operation of the National Committee for Geographical Indications and Collective Marks of Burkina Faso was enacted in April 2019. The mission of this committee is to promote local products through the protection of geographical indications and collective marks.

The labelling process of *Faso Dan Fani* was completed at the end of May 2019, by unveiling of the logo of the collective mark on 30 April 2019, and its filing at OAPI for registration as a collective mark. The patterns of woven loincloths have been filed to OAPI to be registered as industrial designs too.

8. CONCLUSIONS

GIs represent a huge opportunity for the valorization and promotion of the OAPI region local products despite the lack of culture and mastery of rules related to GI protection. The *sui generis* protection of local origin products by means of GI is a complex procedure that OAPI Member countries cannot afford.⁵⁰ Cases studies and literature suggest a good institutional and organizational structure to protect and monitor GI.⁵¹ Therefore, the paper suggests that Burkina Faso can, along with *sui generis* GI protection, use an alternative system to protect many local products with national and international reputations in the short run through collective

marks regime as provided for by Annex 3 of the Bangui Agreement. In terms of policy recommendations, the paper suggests that Burkina Faso should continue cooperation with well-known organizations and countries that have good experiences in *sui generis* GI protection procedures in order to promote local products by the mean of GI regime in the average and long runs as provided for by the revised Bangui agreement, while considering the evolution of the international debate on GI protection.

BIBLIOGRAPHY

Barjolle D, Sylvander B, 'Protected Designations of Origin and Protected Geographical Indications in Europe: Regulation or Policy?' (2000). Recommendations. Final Report: PDO-PDI: Market, Supply chains and Institutions FAIR Contract' 95-0306, European Commission, Brussel

Belletti G, Marescotti A, Paus M, Reviron S, Deppeler A, Stamm H, Thévenod-Mottet E, *The Effects of Protecting Geographical Indications: Ways and Means of their Evaluation* (Swiss Federal Institute of Intellectual Property, Bern, 2011)

Bramley C, 'A Review of the Socio-Economic Impact of Geographical Indications: Considerations for the Developing World' (2011) WIPO Worldwide Symposium on Geographical Indications 22 June 2011 (Vol. 22)

Bridier B, Chabrol D, 'Indications Géographiques en Afrique de l'Ouest et du Centre: Raisonner l'Adversité' In Savanes africaines en développement: innover pour durer' (2009) Apr 20 (9). Cirad

Calboli I and Gervais D, 'Socio-Economic Aspects of Geographical Indications' (2016) WIPO
<http://www.wipo.int/edocs/mdocs/geoind/en/wipo_geo_b

⁴⁷ *ibid* 1.

⁴⁸ See Revising Bangui Agreement, art 2.2 of Annex III, providing for the protection of collective marks.

⁴⁹ Decree N°2019-0727/PRES/PM/MCIA/MINEFID/MEEVCC/MCAT/MRAH/MAAH providing for the creation, mandate, organization,

and operation of the National Committee for Geographical Indications and Collective Marks of Burkina Faso (Journal official, 11 July 2019) .

⁵⁰ *ibid* 8.

⁵¹ *ibid* 12.

ud_15/wipo_geo_bud_15_9.pdf> Accessed 14 November 2019

DOOR, 'Database on the PDOs and PGIs in the EU' (June 2011) <<http://ec.europa.eu/agriculture/quality/door/>> Accessed 29 July 2020

Emmanuel K G, 'Geographical Indications in Africa' (2013) INTERGI 9, 9th international GI training (le Courtil, Switzerland - 21 October – 1 November 2013) Agricultural Policies and Sustainable Development Cooperation University of Lausanne-Switzerland/ REDD <https://agritrop.cirad.fr/document_571269> Accessed 28 November 2019

Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications and Regulations under the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications (as revised on 20 May 2015) WIPO Document LI/DC/19, TRT/LISBON/009 <<http://www.wipo.int/wipolex/en/details.jsp?id=15625>> Accessed 4 November 2019

Giovannucci D, Josling TE, Kerr W, O'Connor B, Yeung MT, *Guide to Geographical Indications: Linking Products and their Origins* (International Trade Centre, Geneva, 2009)

'Identification des produits candidats aux indications géographiques', Ministère de l'Industrie, du commerce et de l'Artisanat/Ministère de l'Agriculture et des aménagements hydraulique (2011)

Jain S, 'Effects of the Extension of Geographical Indications: a South Asian Perspective' (2009) Vol. 16, No. 2, Asia-Pacific Development Journal

Kpohomou C, 'Le Système des Indications Géographiques (IG) de l'OAPI' (2014) IP4Growth - Développement des Capacités en Propriété Intellectuelle pour le Développement de l'Agriculture (Burkina Faso, 14 -17 October 2014)

Lisbon Agreement for the Protection of Appellations of Origin and their International Registration (25 September 1966) TRT/LISBON/005

<<https://wipolex.wipo.int/en/treaties/textdetails/12586>> Accessed 3 November 2019

OAPI, '*Accord portant révision de l'accord de Bangui du 02 mars 1977 instituant une organisation Africaine de la propriété intellectuelle*' (Bangui - OAPI, 1999)

O'Connor B, *The Law of Geographical Indications* (Cameroon, May 2004)

Paris Convention for the Protection of Industrial Property (3 June 1984) TRT/PARIS/001 <<https://wipolex.wipo.int/en/treaties/textdetails/12633>> accessed 4 November 2019

Raustiala K, Munzer SR, 'The Global Struggle over Geographic Indications' (2007)18(2) European Journal of International Law, 337

Uluko H, Oyewunmi A, Mandewo G, 'Protecting Geographical Indications in Malawi: Current Situation and Future Prospects' (2012) Vol.17 (3) JIPR 226, 234 <<http://nopr.niscair.res.in/handle/123456789/14079>> Accessed 28 November 2019

United Nations Conference on Trade and Development, 'Why Geographical Indications for Least Developed Countries' (2015)

World Intellectual Property Organization, 'Recent Developments on OAPI' <https://www.wipo.int/geoind/wipo_geo_yty_17/wipo_geo_yty_17> Accessed 29 November 2019

World Trade Organization, 'Overview: the TRIPS Agreement' <https://www.wto.org/english/tratop_e/trips_e/intel2_e.htm> Accessed 10 December 2019

