

# Collective Marketing

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## NATIONAL WORKSHOP ON IP FOR INNOVATIVE AND COMPETITIVE SMALL AND MEDIUM-SIZED ENTERPRISES

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Collective Marketing: Geographical Indications,  
Certification Marks and Collective Marks

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## Outline of Presentation

1. Introduction
2. Geographical indications
3. Certification trade marks
4. Collective trade marks
5. Rationale for collective marketing by use of geographical indications, collective marks and certification marks

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## Introduction

- **Collective marketing is where producers pool together for purposes of marketing their products**
- **This model has been used since time immemorial in Kenya to market various products**
- **In the dairy sector, small holder farmers who account for 75% of the industry, deliver their milk at a central place for quantity and quality checks**

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## Introduction

- In the tea sector, collective marketing is organized under the Kenya Tea Development Agency (KTDA), a private company that is owned by the small holder farmers
- These farmers account for 60% of Kenya's Kshs. 100 billion annual tea industry revenues

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## Introduction

- In the coffee sector, farmers usually sell their produce through co-operatives that are highly regulated
- There are 700,000 small holder farmers in Kenya organized in about 600 co-operatives
- The co-operatives ensure that farmers get certified coffee seedlings, appropriate farm inputs and financial services
- The co-operatives then market the coffee and farmers are remunerated accordingly

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## Geographical Indications

- A GI is an intellectual property right
- It is a name or a sign used on a certain product.
- That product should:
  - Originate from a definite geographical territory
  - Be prepared, produced or processed in that territory
  - Should have a special quality, reputation or other characteristic
  - An application for registration of GI should be accompanied by rules governing the use of the GI

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- Kenya has no law on geographical indications
- A Bill has been prepared and will soon be submitted to Cabinet and Parliament for enactment
- In a study that was carried out with assistance from the Swiss Government in 2009, it was established that products such as tea, coffee and Kisii soapstone would be qualified for registration as geographical indications

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✓ *Products that may be protected as GI in Kenya*

• TEA

- The Agricultural and Food Authority (AFA) has mapped out clear territories where tea is grown including Nandi Hills & ,  
Western Highlands, Kericho  
Highlands, Kisii  
Highlands,  
Mount Kenya & Nyambene  
Hills and Aberdares in 18  
Counties under 68 factories





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## *Nandi Hills & Western Highlands Teas*

A cup of this tea will leave one feeling like royalty. These teas are fabulously unique in nature. They are the product of the mineral rich 'red volcanic' soils of Cherangany Hills combined with the pristine climate and well distributed rainfall, which contributes to a splendid unique cup color with a distinctive queenly flavour.

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## *Nandi Hills & Western Highlands Teas*

Growing at an altitude of 1500-2200 meters above sea level, in well drained, moderately deep, reddish brown loam soils and a weather pattern influenced by the Hills and nearby Mt. Elgon, these teas are truly a robust blend. The tea cup has a golden hue, full body and pleasant scent tangled up in this quaint flavor.

Located on the Western part of Kenya, along the Equator and in the neighborhood of the equatorial Kakamega

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Forest, are the Nandi Hills teas, which stand at 1550-2200 meters above sea level. Tea from this region is intense and exotically unique.

Much like the inhabitants of the Nandi Hills, the famed Nandi people are known as warriors from the days of old and have on a large part remained true to their traditional roots. Their warrior ways have endured and are evident on a world stage. The Nandi Hills tea catchment is the home and birth place of the most of the record shattering Kenyan athletes!

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## • COFFEE

- AFA has clearly mapped out the coffee growing territories in Kenya
- Coffee in Kenya is grown in areas that are between 1,400m and 2,000m above sea level
- Each territory produces coffee with specific characteristic features
- Kenyan coffee is described as having a unique wine-like flavor



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- **KISII SOAP STONE**

- This is a stone that is only found in Tabaka, Sameta and Botichaki quarry areas in Kisii County
- Currently, the stone is used mainly for making handicrafts



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- In a Study that was carried out by WIPO in 2015, it was proposed that:
  - the products made using the stone should be diversified to include floor tiles, sinks, kitchen counter-tops, water filters for water filtration equipment and cooking slabs
  - artists and the mining communities should make use of IP such as trade marks and copyright to market their products
  - The KTDA model should be used to organize the artists
  - The Ministry of Mining is planning to establish a Soapstone Value Addition Centre in Kisii

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## Certification trade marks

- These are marks that may be registered only by bodies which prove to the Registrar of Trade Marks that they have capability to certify the quality of the respective goods or services
- In Kenya, such bodies include the Kenya Bureau of Standards, AFA and Brand Kenya
- The unique feature about a certification mark is that the owner does not use it but allows other persons to use the mark upon meeting specific conditions

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## The KEBS Marks of Quality



Symbol for Product Quality Excellence



**Standardization Mark  
Of Quality**

**Diamond Mark of Quality**

**Fortification Logo**

**Import standardization  
Mark**

Verification on the authenticity of a product is just an sms away with KEBS SMS code service.  
For Standardization mark type:(SM#Brand name SM#Permit number); For Import Standardisation Mark type: (SM#Unique Serial Number);  
For Diamond Mark of Quality type:( #DM Permit Number). Then send to 20023.



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## Collective trade marks

- A collective mark is a mark that is owned by an association of producers
- The Trade Marks Act provides for registration of collective trade marks
- An application for a collective trade mark has to be accompanied by rules governing the use of the mark

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## Taita Baskets

- In 2017, KIPI collaborated with WIPO and Japan International Co-operation Agency (JICA) to assist the Taita Basket Weavers to develop and register a collective trade mark with respect to the Taita Basket
- Taita basket is made in the Taita Taveta County at the Coast
- The Rules governing the use of the Taita Basket state that the basket may only be made with sisal grown in the Taita Taveta County and other neighbouring Counties

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- The mark was registered in the name of Taita Baskets Association



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## Taita Baskets



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## *The Promise*

The Taita baskets are sisal baskets made by women in Taita-Taveta County. The knowledge of basket making has been passed down through generations. Each basket is laboriously made in a traditional way unique to the region.

*This basket was hand-woven by this basket weaver in compliance with the quality standards established by the Taita Basket Association*

*Group..... Name.....*

*Grade..... decorative or practical*

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## KIPINGI PEANUT BUTTER

- This is peanut butter produced from a peanut varieties known as SM 9991, Red Valencia and SM 12991, which are all early maturing
- The varieties do very well in Ndhiwa Sub-County, Rangwe Sub-County, Karachuonyo South Sub-County and Kabondo Kasipul
- The special qualities, reputation or characteristics: easily milled to produce peanut butter that is unique

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in colour, it is smooth and produces a very good aroma especially while milling

- **KIPINGI PEANUT BUTTER** is produced by an Association known as **Ndhiwa Peanut Processors Investment Association**
- The Association has Rules that govern the use of the mark
- **KIPINGI PEANUT BUTTER** is a non registered mark and **KIPI** looks forward to its registration

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## *Rules Governing Use of GI, certification mark or collective mark*

- The common feature among the three IP rights is the Rules governing their use
- The Rules contain the following:
- The specific definition of the product- name, characteristics including the main physical and chemical attributes that can be easily monitored



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- The ingredients and raw materials that should be used in the production process, or ingredients and raw materials that should not be used
- Description of all the phases of the production process (agricultural production, transport, processing, conditioning, seasoning, maturing and final packaging)
- Description of the elements justifying the link between the specific quality, in the geographical area (natural and human)

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- The authorized users of the respective IP right
- Description of the delimited production area
- Name(s) of the product and labelling rules. Where necessary, instructions on whether or not the use of ordinary trade marks is allowed together with the common label
- Description of how and by whom the standardization and quality controls shall be undertaken

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## Rationale for use of IP in collective marketing

### *Standardization and quality control*

- Use of a GI, a certification mark or a collective mark on a product is a promise made to the consumer on two main issues
  - A consumer of such a product is assured that the product is of the quality that the product is indicated to have
  - The consumer is also assured of consistency of the standards and the quality that has been promised

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## *Protection of Producer Interests*

- The three IP rights provide added value to the producers
- In countries where GIs are registered, the producers have gained immensely economically
- In France, the average price difference between products with and without GI is about 30% for cheese and 230% for wines, while the price of a litre of milk that is used for GI cheese costs twice as high as the price of milk for non-GI cheese

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*Improving access to credit, market and other services*

- Where any of the IP rights is held or controlled by Agencies such as AFA or KTDA that are highly regulated, it is easy to get access to credit, farm inputs and markets
- This kind of service from the holder of the IP right leaves the producer to concentrate on production

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## *Rural Economic Development*

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- It is recognized that almost every County, region or Community in Kenya has a unique product that may be protected as a GI
- All the County Economic Blocks would be a good place to start
- See One Village One Product (OVOP) Movement under JICA and the Ministry of Industry Trade & Co-operatives
- The Movement aims to brand at least one product from each region

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## *Safety in numbers*

- The three IP rights assist producers to overcome the challenges associated with small size and isolation in the market place
- You are able to supply a demand for products throughout the year due to the numbers
- For example avocado farmers
- As an Association, you are able to lobby for Government interventions more easily

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# End of Presentation

Thank You