

WIPO Information Session on Geographical Indications

Geographical Indication Protection for Non-Agricultural Goods; The Case of Ghana

Courage Besah-Adanu (Ph.D.)
Ghana Industrial Property Office, Accra
Ghana



Table of Contents

Brief Background on the Legal Environment in Ghana

Current Developments

Two Selected Non-Agricultural GIs Under Development for Protection In Ghana

The Bolga Basket

The Kente

Brief Background on the Legal Environment in Ghana

Legal Framework for Geographical Indications

- ❑ Ghana has a separate legal framework (*Sui Generis Law*) for Geographical Indications, this is governed by;
 - Geographical Indications Act, 2003 (Act 659)
 - Geographical Indications Regulations, 2020 (L.I. 2414)
 - The GI Act outlines a legal framework consistent with the TRIPS requirements and also ensures that potential GIs registered in the country will not encounter different requirements for registration in the international context.

Legal Framework for Geographical Indications

Article 22.1 of the TRIPS Agreement defines geographical indications as

- *...indications which identify a good as originating in the territory of a Member [of the World Trade Organization], 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.*
- The Geographical Indications Act, 2003 (Act 659) defines the following;
- S. 22: Geographical Indication -means an indication which identifies a good as originating in the territory of a country, or a region or locality in that territory, where a given quality, reputation or other characteristic of the **goods** is essentially attributable to its geographical origin.

Legal Framework for Geographical Indications

- ❑ Goods mean any natural or agricultural product or any product of handicraft or industry and includes *kente*.
- ❑ Producer means
 - (a) any producer of agricultural products or any person exploiting natural products
 - (b) any manufacturer of products of handicraft or industry and
 - (c) any trader dealing in the products of handicraft or industry
- ❑ Developing a geographical indication – what is involved?
- ❑ Providing legal protection is one of the important steps in developing a GI scheme

Current Developments

- In the past nine (9) years, Ghana has been building capacity for technical know how in GIs
- Various training and capacity programs on GIs over the period has expanded know-how of the experts in the country
- Initial work was done in identifying potential products and development of CoPs in collaboration with Swiss-Ghana IP project.

Current Developments

- Local producers of selected products have been engaged in the process of registration for three priority products at various stages of CoP development
- On November 3, 2021,
 - Ghana Acceded to the Geneva Act (Hence the Lisbon System)
 - Which came into force in February,2022
 - The process for completion and protection of selected products are ongoing towards registration and protected as GIs for Ghana

Two Selected Non-Agricultural GIs Under Development for Protection In Ghana

Bolga Baskets



Product Description



- This is light yellowish shopping basket woven from straw (grass).
- It comes in different colours, shapes and sizes.
- It is produced by local craftsmen and women in and around Bolgatanga in the Upper East Region of Ghana.
- The product is made from savannah grass that grows in swampy areas with heights of about 3 to 5 meters tall called Elephant grass.

- Specific properties:
- Very spacious,
- biodegradable,
- can be reshaped into various forms

Producer Organization and Markets

- Over ten thousand individuals are estimated to be involved in the value chain of the basket
- Product is exported to Europe and to the USA and sold in specialised shops in foreign markets.



Ghana Kente



Introduction

- “Kente” is a textile, often made of cotton, rayon or silk, with narrow strips sewn together from edge to edge.
- It is a hand-woven cloth from a loom.
- The Kente fabric is usually typified by bright multi-colour contrasts smooth quality texture finishing.
- Every step in the production process contributes uniquely in giving the desired texture and colour.
- Making the product to stand out compared with other form of weaving in the world.



Origins of Weaving in Ghana

- The history of weaving in Ghana is grounded in diverse origins, many in unverified stories rather than well researched and proven historical documents.
- This is due to the fact that early activities were not recorded but largely placed in oral history
- The first documented history of weaving dates back to the 17th Century AD
- However some historians trace the history of weaving to as far back as 3000 BC, when African history wasn't documented.



Producer Organization Markets

- Over the years, the fabric has gone over the boundaries of Ghana to many parts of the world-
- Africa,
- Europe and
- the USA etc.



- There are over 15,000 producers and value chain players currently in the industry
- These producers belong to various cluster of associations within the production areas

THANK YOU

COURAGE BESAHA-ADANU

kadanu2@gmail.com

+233246630512