

**STANDING COMMITTEE ON LAW OF
TRADEMARKS, INDUSTRIALS DESIGNS AND
GEOGRAPHICALS INDICATIONS**

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***PRACTICES RELATED TO THE DIFFERENT NATIONAL
AND REGIONAL GI PROTECTION SYSTEMS-
THE CASE OF AFRICAN IP ORGANIZATION (OAPI)***

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OUTLINE OF THE OAPI GI SYSTEM

Regional and Uniform system

- ▶ Space of 17 african countries (West and central Africa countries + Comorean Union)
- ▶ Uniform law (Bangui Agreement) which is the national law for each member state in Intellectual property area
- ▶ Common administrative procedures deriving from the Uniform system for the protection of industrial property

Common industrial property Office for GI registration



Article 2 , 4 of Bangui Agreement

- « (3) *For each of the member States, the Organization shall serve both as the national industrial property service within the meaning of Article 12 of Paris Convention [...]*
- «(4) *For each of the member States [...], the Organization shall serve as the 'national Office' [...] for the protection of Geographical indication »*

Suis generis law for GI protection

Article 4 of Bangui Agreement

■ «(1) *The Annexes to this agreement contain, respectively, the provisions to be applied in each member State concerning : patents (Annex I); utility models (Annex II), Trademarks and service marks (Annex III), industrial designs (Annex IV), trade names (Annex V), **Geographical indications (Annex VI)**, literary and artistic property (Annex VII), protection against unfair competition (Annex VIII), layout-designs (topographies) of integrated circuits (Annex IX), plant variety protection (Annex X)*

All type of products should be recognized as PIG

Article 1 of Annex VI of Bangui Agreement

- « For the purposes of this Annex [Annex VI of Bangui Agreement] :

[...] “Product” means any natural, agricultural, craft or industrial product” >>

Crafts produced to be recognized as PGI



Toiles de Korhogo
(CDI)



Pierre de Mbigou
(GABON)

Unified identification system of products recognized as PGI by OAPI



- « This logotype is an official sign of public status meant to be affixed to labels and packages of products whose names are registered as Protected Geographical Indication by OAPI [...]
- « The logo is the property of OAPI member States. It is subject to no appropriation [...] [...] » (Articles 4 and 6 of *reglementation on PGI logotype of OAPI*)

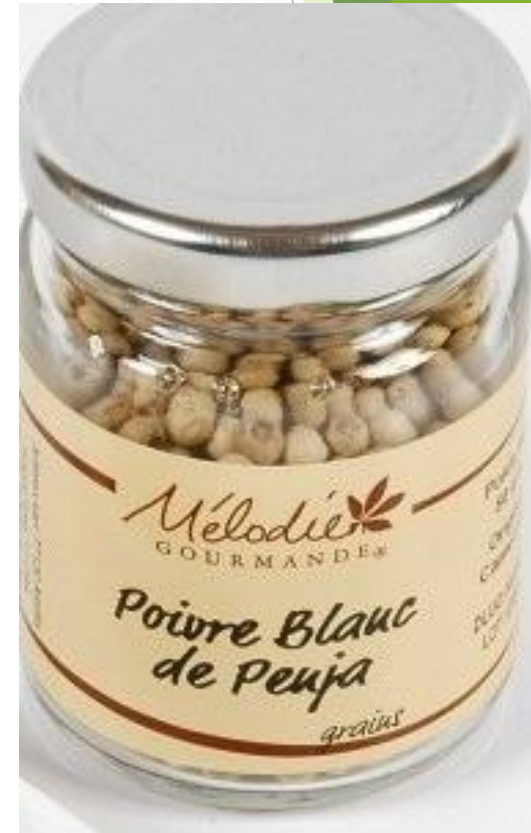
Examples of OAPI PGI



*Produit Pilote du
Cameroun*
**Oku white Honey
(Cameroon)**



**Zياما Macenta
Coffee (Guinea)**

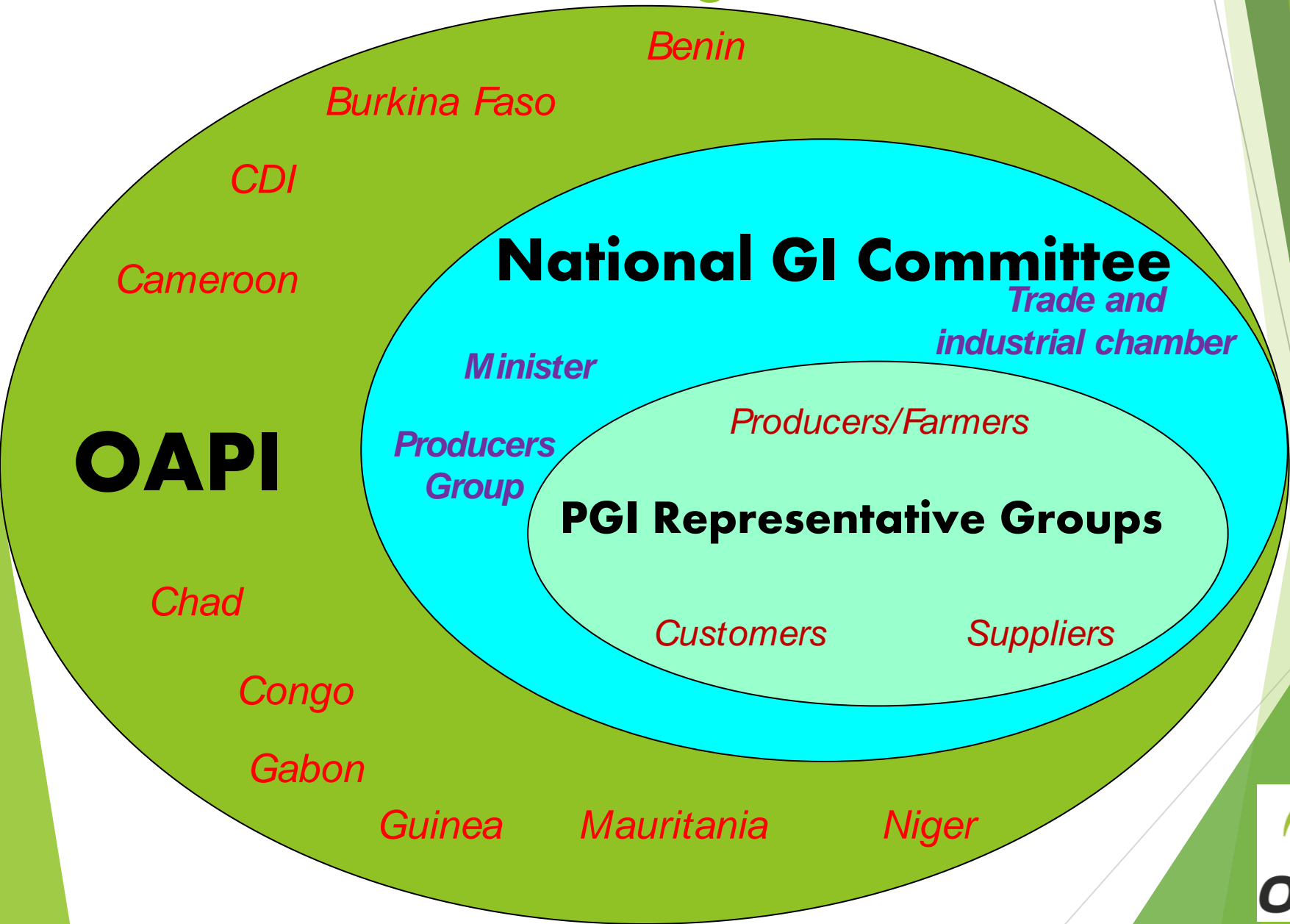


**Penja White Pepper
(Cameroun)**

**HOW GIS ARE REGISTERED AND
MANAGED ACCORDING TO OAPI
SYSTEM ?**



Institutional Scheme superimposing regional and national GI management bodies



Regional level (OAPI)

Examination, Registration of application
Publication of GI registered

OAPI

Examination, Registration, promotion

Local level (GR-IGP)

- Adoption of the code of practices
- PGI control (internal)
- Marketing of PGI products
- Fithing unlawfull use of PGI

National level (CN-IG)

- Identification
- Promotion
- Process Valuation
- Fithing unlawfull use

National Framework

Article 3, 21 of Regulation relating to use and management of PGI logo of OAPI

- “Every Member State has a national committee responsible for the validation of specifications and for the coordination and follow-up of protected geographical indications and their representative Groups”.

For each protected geographical indication, there is :

- *a geographical indication representative Group with well-defined specifications and responsible to ensure, through a control mechanism, that the products are in compliance with quality standards and all the specifications of the geographical indication;*
- *a guarantee scheme to ensure that all stakeholders using the geographical indication to market their products meet the requirements defined in the book of specifications and to prevent consumer deception and protect honest producers against unfair competition.*

This system may be broadly based on the geographical indication representative Group and the monitoring by the National Committee, provided an external body is involved to ensure that the inspection carried out by the representative group is effective.

- *“The defense of the PGI, as part of the country’s national heritage, against fraudulent use in domestic, regional and international markets is incumbent on national authorities. The relevant representative group concerned must also contribute”*
- *“The GI representative Group is qualified to inform the national Fraud services and take, if any, legal action in accordance with Appendix VI of the Bangui Agreement”*
- *“The National Committee may refer the matter to the fraud control/customs services of the relevant Member State”*
- *“The Organization is informed in case of infringement, misuse or fraudulent use of the name, with or without the OAPI PGI logo, recorded and investigated by the national authorities.*
- *“The Organization may be appealed to, as counsel, on request of the competent national authorities, within the framework of the procedure”*

At Regional Level (OAPI)

Article 7, 9, 11 of Annex VI of Bangui Agreement

- “Any person wishing to obtain the registration of GI shall file with the Organization [...] a request for acknowledgment of receipt [...]”
- “For every application for registration of GI, the Organization shall examine whether the applicant is entitled to apply for registration, whether the application contains the particulars required [...] and whether the prescribed fees have been paid”.
- “The Organization shall publish the registration and issue to the owner of the registration a certificate”.

Article 3 of Regulation relating to use and management of PGI logo of OAPI

- *“In order to provide capacity building [to the national GI management bodies], the Organization has established guidelines relating to the provisions on the recognition and monitoring of geographical indication representative groups by national authorities with the aim to improve the efficiency of the entire system.”*

IN CONCLUSION ...

Conclusion n°1

- ▶ Suis generis law for GI protection in member States, since 1977
- ▶ Regional protection system in harmony with international industrial property Conventions (Paris Convention, Lisbon system, TRIPs)
- ▶ But the practices related to GI protection recently established within the PAMPIG project (2008)

Conclusion n°2

- ▶ The OAPI GI protection system is very new and not really practised in all the member States (Except Cameroun and Guinea)
- ▶ Only five PGI were registered, despite the law existing since 1977
- ▶ After PAMPIG project, OAPI need to come back on its traditional roles in GI protection system according to the Bangui Agreement (examination, registration and promotion of GI applications).



Thank you for your kind attention

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