

GEOGRAPHICAL INDICATIONS AS A SOURCE OF COMPETITIVENESS FOR LEAST DEVELOPING COUNTRIES: A CASE OF ZAMBIA AND MOZAMBIQUE

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ABSTRACT

Geographical Indications (GIs) have been recognised since time immemorial and have also been used as mechanisms for securing the link between quality and other aspects of a product and its region or geographical origin. The connection between the good and the region allows producers of such goods to adopt strategies of niche marketing and differentiation of their products. On the other hand, to consumers, GIs may be understood to denote the origin and the quality of products. Article 22 of the Agreement on Trade Related Aspects of Intellectual Property (TRIPS)¹ provides, inter alia, that regarding GIs, WTO Members shall prevent the use of any means that indicate or suggest a good originates in an area other than the true place of origin. Such an inappropriate use constitutes an "act of unfair competition within the meaning of Article 10bis of the Paris Convention (1967). However, there are exceptions to this rule. In implementing the TRIPS provisions, countries should design appropriate legislation; establish monitoring mechanisms for the quality of production methods against standards, and strengthen enforcement mechanisms. Other forms of international legislation include: the Paris Convention, Madrid Agreement, and the Lisbon Agreement for Appellation of Origin. This article will examine the relevance of GIs in economic development in the context of developing countries.

Key Words: Geographical Indications, TRIPS Agreement, Protection, Product differentiation, Enforcement, standards

INTRODUCTION

Although geographical indications (GIs) may have been in use for a long time, their protection as a form of intellectual property came in 1994 after the GATT in 1994. (GATT, 1994),² However, the first appearance of geographical indications in any legal instrument was at the Paris Convention (Paris Convention 1883), though

Article 1(2) of the convention makes use of appellations of origin and indications of source instead of GIs. This therefore means that GIs have been recognised for a long time. Despite their presence in the legal instruments in Zambia, their use arguably precedes the establishment of the legal system of the country. Land was used as a mechanism for securing a link between quality and other aspects of a product and its region or geographical origin (FAO, 2017). The connection between the goods and the region allows producers of such goods to adopt strategies of differentiating their products and develop market niches.

From the perspective of Lisbon Agreement and sometimes consumers, GIs are understood to denote the origin and the quality of products.³ Many GIs have acquired valuable reputations (Champagne, Cognac, stilton, etc.) which, if they are not adequately protected, may be misrepresented by dishonest competitors. False use of GIs by unauthorised parties may be damaging to consumers and lawful producers. The former deceived and led into believing they are buying a genuine product with a particular source, specific qualities and characteristics when in actuality they are not. The latter, in addition to passing off by false attribution of source, suffer economic losses because valuable business is taken away from them and the established reputation of their products is also lost.

Often, GIs can lead to higher value-added products through product differentiation based on quality and can provide consumers with certified information regarding product attributes. GIs can further enhance and preserve the identity and cultural heritage of a region where a

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¹WIPO: http://www.wipo.int/wipolex/en/other_treaties/text.jsp?file_id=305736

² The General Agreement on Tariffs and Trade is a legal agreement between many countries whose overall purpose was to promote international trade by reducing or eliminating trade barriers such as tariff or quotas

³ The Lisbon Agreement for the protection of Appellations of Origin and their International Registration (As amended on Septemebr 28, 1979)

product is produced⁴. GI products are a result of decades (sometimes centuries) of hard labour and require investment (costs associated with abiding by strict production rules, ensuring quality, etc.), and as such, the state authorities must ensure a mechanism is put in place to grant a monopoly right over the commercial use of these geographical names for the benefit of communities and the state economy at large⁵. Evidence from the market and literature shows that promoting and protecting products under GIs may also result in higher economic gains, quality production and impartial distribution of profits for LDCs rural communities.⁶ GIs encourage the preservation of biodiversity, traditional know-how and natural resources. Leveraging on biological and cultural diversification, the implementation of GIs may represent a unique opportunity to encourage collaboration among the various players along the value chain, including producers, government authorities and researchers⁷. There is a need for countries to develop a legal framework on GIs as a legal instrument for trade development that could assist rural communities in branding their products, which may result in a cultural and commercial rebirth of their territories. This paper will explore the potential socio-economic benefits as discussed at the international level and proceed to discuss in brief the potential difficulties in measuring the impact of GIs. This paper will further attempt to highlight some challenges GIs in developing countries are likely to face, and which could impede their ability to harness the proposed benefits. This paper also reviews the Zambian situation regarding GI legislation and highlights some potential products that may benefit from the GI legal framework. Case studies of Mozambique will be discussed

to reinforce the benefits and implementation of GIs in the context of LDCs.

DEFINING GEOGRAPHICAL INDICATIONS

The protection of GIs as defined in the Agreement on Trade Related Aspects of Intellectual Property (TRIPS) is conditional on the “quality, reputation or other characteristic” of the good being linked to the territory.⁸ Article 22 to 24 of the TRIPS agreements in Part II of the agreement prescribes the protection of GIs. According to Article 22 of the TRIPS Agreement, unless a geographical indication is protected in the country of its origin there is no obligation under this Agreement for other countries to extend reciprocal protection.⁹ But Article 23 of the Agreement provides additional protection to geographical indications only in cases of wines and spirits, meaning they should be protected even if there is no risk of misleading or unfair competition. Article 23 imposes an obligation upon member countries to legislate to prevent the use of geographical indications regarding wines or spirits, which do not originate in the place indicated. The imbalance of protection is the focal point around which the issues of geographical indications revolve. Articles 22, 23 and 24 prescribes the minimum standards countries need to accord to geographical indications. According to Article 22, unless a GI is protected in the country of origin, there is no obligation under this agreement for other countries to extend reciprocal protection. In essence, Article 23 imposes an obligation upon member countries to legislate to prevent the use of GIs regarding wines and spirits which do not originate in the place indicated. Article 24 discusses exceptions and limitations. Champagne, Cognac, Roquefort, Chianti, Pilsen, Havana, Tequila, Darjeeling are some of the well-known examples

⁴ J. Innocensia, E. Henrik & L. Razack, 2015: *Tanzanian Food Origins and Protected Geographical Indications (GI)*; Berlin, Germany “Management of land use systems for enhanced food security: Conflicts, controversies and resolutions” -September 16-18, 2015.

⁵ N.B Monique and V. Massimo, 2011. *Practical Manual on Geographical Indications for ACP Countries*; A publication by CTA and origin

⁶ UNCTAD report, *Why Geographical Indications for Least Developed Countries?* (UNCTAD/ALDC/2015/43)

⁷ UN, 2016: *Why Geographical indications for least developed countries?* UNCTAD Publications.

⁸ TRIPS Article 22 defines a standard level of protection of all products; Article 23 provides an enhanced level of protection for geographical indications for wines and Spirits ; and Article 24 provides exceptions to the protection
⁹https://www.wto.org/english/tratop_e/trips_e/ta_docs_e/1_tripsandconventions_e.pdf

of names which are associated throughout the world with products of a certain nature and quality. One common feature of all these products is their geographical connotation. However, when we hear these names, most often we think of products rather than the places they designate¹⁰. The above examples show that GIs can acquire a high reputation and thus may be viable commercial assets. It is important to note that a variety of concepts exist with regards to GIs. For example, the Paris Convention for the Protection of Industrial Property does not contain the notion of geographical indication. Article 1 paragraph (2) of the Paris Convention¹¹ defines as subjects of industrial property, *inter alia*, indications of source and appellations of origin.

According to this terminology, the following distinction is advanced between indications of source and appellations of origin: “indication of source” means any expression or sign used to indicate that a product or service originates in a country, region or specific place, whereas “appellation of origin” means the geographical name of a country, region or specific place which serves to designate a product originating therein the characteristic qualities of which are due exclusively or essentially to the geographical environment, including natural or human factors or both natural and human factors¹². To provide more clarity on the two terminologies, the use of an appellation of origin represents a quality link between a product and its area of production attributed to certain characteristics of a product which are exclusively or essentially due to its geographical origin, such as climate, soil or practices of traditional methods of production. On the contrary, the use of an indication of source on a given product is merely subject to the condition that this product originates from the place designated by the indication of source¹³).

When considering geographical indications as a special kind of distinctive sign used in commerce and thus as a particular category of intellectual property, it is important to distinguish them from trademarks. Where a trademark identifies the enterprise which offers certain products or services on the market, a geographical indication identifies a geographical area in which one or several enterprises are located which produce the kind of product for which the geographical indication is used. Thus, there is no “owner” of a geographical indication in the sense that one person or enterprise can exclude other persons or enterprises from the use of a geographical indication, but each and every enterprise which is located in the area to which the geographical indication refers has the right to use the said indication for the products originating in the said area, but possibly subject to compliance with certain quality requirements such as prescribed, for example, in administrative decrees governing the use of appellations of origin¹⁴.

INTERNATIONAL PROTECTION OF GIS AND TRIPS PROVISIONS

The introduction of GIs into the World Trade Organisation (WTO) TRIPS agreement has resulted in unprecedented recognition of this type of Intellectual Property (IP) right internationally.¹⁵ Raustiala and Munzer (2007) posit that the protection of GIs has, however, been controversial in many respects and the means and scope of protection has strongly been contested.¹⁶ Chon (2006), Correa (2000) and Cerchia (2011) agree and posit that, within the broader debate on whether TRIPS has the ability to bring about balanced and equitable economic benefits, a large body

¹⁰ WIPO, 2004: WIPO Intellectual Property Handbook-PUBLICATION No. 489 (E), Reprinted 2008.

¹¹ WIPO: http://www.wipo.int/edocs/lexdocs/treaties/en/paris/trt_paris_001en.pdf

¹² WIPO, 2004: WIPO Intellectual Property Handbook-PUBLICATION No. 489 (E), Reprinted 2008.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ https://www.researchgate.net/scientific-contributions/41858_Daniel_J_Gervais

¹⁶ https://www.researchgate.net/publication/228204121_Relocating_Geographical_Indications

of literature has developed on the justification for and rationale behind GIs.¹⁷

The EU has come out strongly in WTO fora on the point that GI protection can bring about benefits worldwide, with particular reference to developing countries.¹⁸ However, a mutual position is yet to be reached on the actual impact of GIs and the extent to which the prospective benefits can be harnessed in a developing country context.

With regards to protecting GIs, Article 22 of the TRIPS Agreement¹⁹ provides, inter alia, that regarding GIs, WTO Members shall prevent the use of any means that indicate or suggest that a good originates in an area other than the true place of origin. Such an inappropriate use constitutes an “act of unfair competition within the meaning of Article 10bis of the Paris Convention²⁰ (1967)”. However, Article 24 spells out the exceptions to the rules; that is, situations when a WTO Member may decide not to protect GIs. A good example is in Article 25 (5) (b) of the TRIPS Agreement, which allows WTO Members not to protect GIs if a trademark was already registered prior to the protection of the GI in its country of origin.²¹

In line with GI protection, current international debates have sparked proposals calling for the extension of higher GI protection beyond wines and spirits to other products, such as handicrafts, agricultural products and other beverages.

According to Calboli and Gervais, they assert that despite the push for stronger GI products for non-wine products, many developing countries have encountered difficulties in complying with TRIPs obligations including those relating to GIs.²² Designing appropriate legislation and

getting the resources necessary for legal implementation has been a major challenge. Another problem relates to monitoring to ensure the quality of production methods matches the standards required to protect the GIs reputation and its economic value.

GIS AS AN OPPORTUNITY FOR LEAST DEVELOPED COUNTRIES

Zambia, like most LDCs, is struggling to implement the GI legislation and drive the economic and social benefits from this form of IP system.²³ According to an UNCTAD report (2016), most LDCs have limited product diversification and also face fluctuating market values of their traditional products.²⁴ The foregoing are issues that have greatly affected trade flows of LDCs for many decades. In spite of limited product and export diversification, mainly consisting of raw and low value-added products (primarily commodities), a valuable diverse range of traditional products and preparations is available in selected LDCs, including Zambia, which may have potential to graduate to products of excellence and compete globally. However, bringing small local producers upfront in the global value system does not necessarily carry them beyond subsistence. Competition in global markets is generally fierce and many LDCs have recognised the need to develop quality names for the use of certain food products, such as through the protection of GIs, to secure higher returns from sales²⁵. As the case for most LDCs, Zambia is endowed with vast biological and cultural diversity which, when exploited, can result in greater economic benefits and improved social welfare of its people especially the rural community.

Biological and cultural diversities are fundamental for revalorizing traditional food or handicrafts products

¹⁷http://193.5.93.81/edocs/mdocs/geoind/en/wipo_geo_lim_11/wipo_geo_lim_11_9.pdf

¹⁸ Working Paper on developing countries in GATT/WTO Negotiations 2002

¹⁹ WIPO: http://www.wipo.int/wipolex/en/other_treaties/text.jsp?file_id=305736

²⁰ WIPO: http://www.wipo.int/edocs/lexdocs/treaties/en/paris/trt_paris_001en.pdf

²¹https://www.wto.org/english/docs_e/legal_e/27-trips_04b_e.htm

²²https://ink.library.smu.edu.sg/cgi/viewcontent.cgi?article=3902&context=sol_research

²³ http://www.ipica-project.eu/sites/default/files/wipo_journal_3_2.pdf

²⁴https://unctad.org/en/PublicationsLibrary/ldc2016overview_en.pdf

²⁵ UN, 2016: Why Geographical indications for least developed countries? UNCTAD Publications

having the potential to benefit rural communities, and in that way supporting them to cope with current challenges (e.g. food security). While traditional knowledge of indigenous and local communities has been recognized as being essential for understanding biological and cultural diversities, attention should be paid when they access and use biological and cultural diversities to ensure fair and equitable benefits and to contribute to sustainable development²⁶.

ECONOMIC VALUE OF GIS AS MARKETING TOOLS

Countries that have embraced GI protection, such as Switzerland (Gruyère Cheese), France (Champagne) etc. have created value for themselves through product branding. Other countries outside of Europe that have effectively utilized GIs include Ghana and Ivory Coast with cocoa, Indian Basmati Rice, etc. The aspect of branding has great potential to upgrade local products from the domestic market to competitive international markets and contribute to local economies through foreign exchange earnings and reduction in the balance of payment which normally exist between the LDCs and developing countries. At the domestic level, the producers will have improved living standards and welfare.

The need for branding is based on identification and differentiation. The identification is achieved through the name, term, sign or symbols associated with a product, and the differentiation comes from unique features / characteristics/ benefits of the product. GI is a powerful tool which can be leveraged, both for identification and differentiation of products.

Success stories on GIs demonstrate that GIs, if properly managed, are intangible assets with great potential for the creation of added value, as well as spin-off effects in areas related to the primary product with which they are associated. Leveraging GI in branding strategy can be a powerful tool because it results in differentiation due to

quality/product differences attributable to their unique geographical origin. It leads to the creation of brand equity by aiding recognition and increased awareness, establishing quality perceptions, creating desired brand associations and building customer loyalty.

Developing a brand based on the GI can greatly assist producers and exporters to effectively exploit the commercial potential of their products. A brand helps sellers create a unique identity and thereby gives indications to customers on criteria that matter to them such as product features, origin, quality, uses, etc. Branding adds value for consumers, as it gives quality assurance and the benefit of authenticity. They help prevent unfair competition from non-genuine products. Because of better value and assurance, the buyers tend to prefer sellers with branded products and buy more from them²⁷.

Learning from the global context and at the regional level, Zambia should take advantage of the unique benefits of implementing a GI system and reap the social and economic benefits from its vast natural resources, agriculture products and handcrafts which have remained undeveloped for a long time.

CASE STUDY ON ZAMBIA

Zambia stands to benefit from the GI system through the various mechanisms highlighted above. Zambia's climatic conditions and rich soils have greatly contributed to agricultural production which the country has experienced for a number of decades. The climatic conditions and resulting agricultural potential have led to a number of unique products which are potential candidates for GI protection. One such example of a potential GI is Pineapple in Mwinilunga of North western Province of Zambia. The soils of the area (predominantly Kalahari contact soils) are generally acidic and of low productivity, but specific crops such as pineapples and cassava can thrive on them. The soil types also vary across

²⁶ UN, 2016 pg.5: Why Geographical indications for least developed countries? UNCTAD Publications

²⁷ UN, 2016: Why Geographical indications for least developed countries? UNCTAD Publications

the area. Patches of fertile red clay soil, in addition to river floodplains or damboes, provide sites more suited to agricultural production²⁸. The area is so far the only place known for pineapple production in Zambia and presents a good opportunity for communities in Mwinilunga District to benefit from pineapple production and GI registration for marketing purpose at local and international levels.

Another important potential GI is the cashew nut grown in western province of Zambia. The cashew grows in the arid regions of western province with its temperate kind of climate, with some dry seasons and short rain season. Rainfall is approximately 1000mm. The other potential GI is the rice which grows in the flood plains of the same region around Mongu district and surrounding areas. The two crops are of great significance in that they provide a great source of income to the growers. In addition, owing to food insecurity in the country, the two crops are a source of nutrition for many families of this particular region of the country. Overall, there is also great demand for these two crops from Zambia's neighbouring countries with the potential to become foreign exchange earners for the country. Others may include handicrafts and traditional crops which are specific to certain regions in countries such as Mango from Luapula and Luangwa river basins.

In terms of the legal framework, Zambia currently has no law on GI at the domestic level. However, Zambia is a member of the WTO and the TRIPS Agreement therefor applied from 1995. At the national level, the trademark law CAP 401²⁹ as provided for registration of Certification trademarks. According to section 42. (I), a Certification trademark is, a mark adapted in relation to any goods to

distinguish in the course of trade goods certified by any person in respect of origin, material, mode of manufacture, quality, accuracy or other characteristic from goods not so certified shall be registrable as a certification trademark in Part C of the register in respect of those goods in the name, as proprietor thereof, of that person: Provided that a mark shall not be so registrable in the name of a person who carries on a trade in goods of the kind certified.³⁰ Despite this provision, there is a need for the country to enact laws on GI, against the backdrop that all forms of trademark registration tend to create a monopoly for few individuals through whom the marks have been registered. A sui generis system for GI protection would enable the country to protect its various agricultural products and reap the social economic benefits. However, the good news is that the current Trademarks Bill of 2016, before parliament, has provided for protection of GIs¹.

CASE STUDY ON MOZAMBIQUE

Mozambique is a member of WIPO, a member of the Paris Convention, a signatory of the Madrid Agreement and a WTO member.³¹ In terms of the GI regulatory framework, Decree 21/2009 by the government of Mozambique approved the Regulation of Appellations of Origin and Geographical Indications.³² The scope of application of the law is more extensive than the scope of the EU system (applicable to all agricultural and industrial goods).³³ The Industrial Property Institute is responsible for the registration of GIs.³⁴ Mozambique is also a member of the African Regional Intellectual Property Organization (ARIPO).

According to the recent Mozambican Industrial Property Code Decree No. 47/2015 of 31 December 2015³⁵, the

²⁸ I. Pesa, (2014) Moving along the roadside: a social history of Mwinilunga District, 1870s-1970s
<https://openaccess.leidenuniv.nl/bitstream/handle/1887/28744/02.pdf?sequence=8>

²⁹ The Trade Marks Act (Chapter 401); version of 1994 as amended
<http://41.77.4.165:6510/www.wipo.int/edocs/lexdocs/laws/en/zm/zm003en.pdf>

³⁰ <http://www.parliament.gov.zm/sites/default/files/documents/acts/Trade%20Marks%20Ac>

³¹ https://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&reaty_id=2

³² https://au.int/sites/default/files/documents/36127-doc-au_gis_continental_strategy_enng_w

³³ <http://www.fao.org/faolex/country-profiles/general-profile/en/?iso3=MOZ>

³⁴ https://www.wipo.int/members/en/contact.jsp?country_id=125&type=ADMIN_IP

³⁵ Mozambique (2016). Industrial Property Code, Decree No. 47/2015 of 31 December 2015

right of ownership over a geographical indication or a designation of origin shall be acquired on registration in accordance with the provisions of the Industrial Property Code. Article 163, Section (2) of the Code states that, once registered, geographical indications and designations of origin become the common property of those who effectively reside or have their place of business in the locality, region or territory, and can be used interchangeably by those who carry out any characteristic productive activity in the area, subject to the consent of the registered owner.³⁶

Further, section (3) of the same Article states that, the exercise of the right does not depend on the importance of the operation, the nature of the products, nor an affiliation to any association and, consequently, the GI or designation of origin shall apply to all products that are characteristic of and originating in the locality, region or territory, in the usual and traditional conditions, or duly regulated.³⁷

According to Inventor international (2018) report, in terms of GI registration, Mozambique had recorded its first ever GI registration in 2018³⁸ (through the Registration of Tete goat meat.³⁹

Tete Goat Meat

The Mozambican goat market has recently obtained registration for the 'Tete goat' as a GI under the Industrial Property System in Mozambique. According to Moyo (2018), this is the first registered Mozambican GI and a milest one in the history of the nation.⁴⁰ The Tete GI registration is in relation to the unique Tete Goat meat products. Furthermore, Moyo (2018) states that the

Goats belong to the species *Capra aegagrus* or *Capra hircus*. The Goats are reared in extensive systems, according to traditional practices in the area.⁴¹ For example, feeding takes place on natural pastures, hay, standing stubble and straw.⁴² The flavour and juicy taste of Tete goat meat originates from grazing in natural pastures in the semi-arid region but also from the consumption of massaniqueira, massanica and malambe (baobab fruit), mainly in the dry season, which is the longest in the region, from April to November.⁴³ The fruits and leaves of massaniqueira and baobab are commonly consumed by goats and cattle.⁴⁴ Goats are reared in the Tete province and in adjacent areas with similar soil and climate conditions. The main source of goats sold in Tete City is the southern region of the Tete province⁴⁵.

The Agro-climatic conditions are prominently arid and semi-arid, with very hot and rainy summers and cool dry winters.⁴⁶ The spontaneous vegetation and natural pastures mainly consist of xerophytic flora (e.g. *Combretum* spp, *Colophospermum mopane*, *Adansonia digitata* (Baobab), *Heteropogon contortus*, *Aristida* spp. and *Acacia* spp) during the dry season⁴⁷.

The registered GI for Tete goat will bring in benefits to the communities and the province as a whole. For instance, according to UN (2016), the GI can be useful not only for exports of Tete goat meat to foreign markets but also to supply supermarkets in other domestic provinces.⁴⁸ For example, locally in Tete City, a registered GI will now imply quality improvement from goat rearing and processing to commercialization. Due to the GI, a

³⁶<http://www.inta.org/GlobalPortal/Pages/Profile.aspx?country=Mozambique>

³⁷<http://www.inta.org/GlobalPortal/Pages/Profile.aspx?country=Mozambique>

³⁸ Inventa International (2018)

<https://inventa.com/en/pt/news/article/309/tete-goat-first-geographical-indication-of-mozambique>

³⁹ https://unctad.org/en/PublicationsLibrary/aldc2015d4_en.pdf

⁴⁰ <https://www.vonseidels.com/tete-goat-the-rise-of-gis-in-sub-saharan-africa/>

⁴¹ <https://www.intechopen.com/books/goat-science/goat-system-productions-advantages-and-d>

⁴²<https://inventa.com/en/news/article/309/tete-goat-first-geographical-indication-of-mozam>

⁴³ https://unctad.org/en/PublicationsLibrary/aldc2015d4_en.pdf

⁴⁴http://www.fao.org/ag/againfo/resources/en/publications/sector_briefs/lsb_MOZ.pdf

⁴⁵ UN, 2016: Why Geographical indications for least developed countries? UNCTAD Publications

⁴⁶https://www.researchgate.net/publication/23663923_Communal_goat_production_southern_Africa

⁴⁷ UN, 2016: Why Geographical indications for least developed countries? UNCTAD Publications

⁴⁸https://unctad.org/en/PublicationsLibrary/aldc2015d4_en.pdf

potential price increase can support local rural communities who currently consume cheaper goat meat sold in informal markets. But other markets for Tete goat meat may be exploited in other provinces and countries as well. Additionally, in Tete City, there is a well-organized municipal slaughterhouse that is willing to be a stakeholder under the GI registration⁴⁹.

White prawn

Another unique product with GI potential is the well-known white prawn from Mozambique which has peculiar organoleptic features, characterized by a distinctive flavour appreciated by consumers. The taste and the unique texture are because the prawns eat and grow in their natural habitat. With regard to organoleptic characteristics, the meat of the white prawn is compact and lean. The flavour is typical for marine prawns having a soft smell of fresh seaweed.⁵⁰ Because of the firm texture, it is difficult to take the meat out of the shell, and it has a higher yield of edible parts in comparison with freshwater prawns.⁵¹ Therefore, there is a close link between the geographical area and the mangrove ecosystem in which white prawn is fished along the coast, over a length of 1,200 km that covers an area of 400,000 ha. Of these, approximately 126,000 ha are geographically concentrated between Pebane and the Save River and between Quelimane and the Mocambo Bay⁵².

The extensive areas of mangroves associated with river bays are considered ecologically important productive areas due to the high amounts of nutrients that characterize these zones.⁵³ They have large natural nurseries for species typical to these environments such as fish. The white prawn from Mozambique (*P. indicus*) is fished in a geographical area with unique ecological conditions for the growth of post-larvae and juvenile

prawns. This environment provides ideal conditions for the protection of the prawn and holds large amounts of nutritious food. According to UN (2016), the white prawn is also drawn into this geographical fishing area because of a large river network discharging into the Indian Ocean, especially the two main rivers, Zambezi and Save, in the Sofala Bank region.⁵⁴ These form the only deltaic coasts of the country. Thus, the white prawn from Mozambique has a differentiated quality, an acknowledged reputation and is widely accepted in both domestic and international markets, and is preferred by consumers who distinguish its unique characteristics.

CONCLUSION

Geographical indications are vital for the economies of LDCs, as they can support the development of local international markets of local products. The countries should therefore formulate appropriate legislation to support the development of GI protected product value chains and enhance product competition in the global economy. Though some strides have been made with some LDCs establishing laws, there is more work to be done to raise awareness among the various stakeholders in the respective countries. For instance, Zambia currently has no specific laws on GI protection. The trademark law which is the closest alternative has provisions for collective marks and certification marks. However, this type of protection is limited in scope and has the disadvantage of excluding the majority in the case of collective marks which may belong to a small section of society. The trademark law as provided for in the TRIPS agreement also prevents marks which are protected as trademarks from GI registration. In the case of Mozambique, despite having legislation on GI protection through Decree 21/2009, the country has only managed to record one GI protection for Tete goats.

⁴⁹ UN, 2016: Why Geographical indications for least developed countries? UNCTAD Publications

⁵⁰https://unctad.org/meetings/en/Presentation/aldc2014-12-16_White%20Prawns.pdf

⁵¹https://wwf.panda.org/knowledge_hub/where_we_work/east_african_coast/mozambican_

⁵² UN, 2016: Why Geographical indications for least developed countries? UNCTAD Publications

⁵³https://www.researchgate.net/publication/271510319_Mozambique_marine_ecosystem

⁵⁴ http://www.fao.org/fishery/docs/DOCUMENT/fcp/en/FI_CP_MZ.pdf

The researcher would like to recommend that deliberate programmes and institutions are put in place to promote and support implementation of GI systems where laws are readily available. Zambia is, however, also in the process of developing a legal framework on GI by incorporating a section on GI in the Trademark amendment bill of 2016, which is still before parliament for possible enactment into law. The responsibility lies with various governments in LDCs to take proactive steps and support the development of GI systems and facilitate registration of GI to contribute to social and economic development.

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