



A bridge between past and future

Middle Eastern and North African geographical indications are coming to the fore, says Jan Wrede of Dennemeyer & Associates

“The best men in all ages keep classic traditions alive.” Spanish philosopher George Santayana could well have had geographical indications (GIs)—legal instruments used to protect traditional manufacturing methods—in mind when he was reflecting on the connection between past and present.

Certainly, GIs have sometimes been ridiculed as just an odd means of protectionism stemming from the old world, far from being suitable for due application in developing or emerging markets. But there is the opposite view: a deeper glance at their economic po-

tential has indeed shown GIs to be a promising and efficient means to promote local goods, precisely in less industrialised areas that are capable of building up new income and employment opportunities.

For instance, the EU with its historical predilection for GIs can willingly be taken as an exemplary benchmark, where the first 70 GIs alone accrue \$5 billion in turnover each year (the total being \$75 billion per annum for all European GIs). This on account of the fact that 70 percent of consumers are ready to spend between 10 percent and 300 percent

more for a good certified as a GI than for a no-origin product.

While Europe is still restricting GI protection to certain foodstuffs and beverages, GIs can readily also cover handicrafts and even services.

International treaties

It's no wonder that GIs have long since been recognised as fully-fledged—if still peculiar—IP rights, on par with patents and trademarks. Sixteen out of the 19 Middle East and North

Africa (MENA) states have adhered to one or more of the following international treaties recognising GIs:

- 1883—Paris Convention on the Protection of Industrial Property: Algeria, Bahrain, Egypt, Iran, Iraq, Jordan, Lebanon, Libya, Morocco, Oman, Qatar, Saudi Arabia, Syria, Tunisia, the United Arab Emirates and Yemen (16).
- 1891—Madrid Agreement on the Repression of False or Deceptive Indications of Source: Algeria, Iran, Lebanon, Morocco, Syria and Tunisia (6).
- 1951—Stresa Convention on the Use of Designations of Origin and names for Cheeses: none.
- 1958—Lisbon Agreement for the Protection of Appellations of Origin and their International Registration: Algeria, Iran, and Tunisia (3).
- 1996—Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS): Bahrain, Egypt, Jordan, Morocco, Oman, Qatar, Saudi Arabia, Tunisia, United Arab Emirates and Yemen (10).
- 2008—The World IP Organization is starting a review of the 1958 Lisbon System in order to make it more attractive to new members. Among the observers are: Algeria, Iran, Iraq, Libya, Morocco, Saudi Arabia, Tunisia and the United Arab Emirates (8).

National laws

The following are selected regulations on GIs found in some of the national laws. Most of them are modelled after Article 22 of TRIPS:

Egypt

Article 104 of the Law on the Protection of IP Rights: “Where a geographical origin has become descriptive of the quality, reputation or other characteristics of a certain product so as to be largely instrumental in its marketing, such geographical indications shall be used to indicate the place of origin of such goods in a district or part in a country member in the World Trade Organization or a country according Egypt reciprocity.”

Iran

Article 1(a) of the Geographical Signs Protection Act: “Geographical indication shall mean a sign for the geographical origin of goods attributed to a territory, region or country area, provided that quality and excellence, reputation or other characteristics of the goods are essentially attributable to their geographical origin.”

Jordan

Article 2 of the Geographical Indications Law: “Geographical indication: Any indication which identifies a good as originating in a certain country, region or territory of a country, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin.”

Morocco

Article 180 of the Law on the Protection of Industrial Property: “Geographical indications are all indications which serve to identify a good as originating of a territory, region or locality in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to this geographical origin.”

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Practical examples

Algeria

Algeria owns a number of GIs for wines, such as Ain-Bessem-Bouira, Coteaux De Mascara, Coteaux De Tlemcen, Dahra and Medea.

Iran

Iran owns a number of GIs for handmade carpets and rugs, such as Heris, Isfahan, Qom and Tabriz.

Morocco

Morocco owns a GI for a vegetable oil, Huile D’Argan, which is used in foodstuffs and cosmetics. In the 1990s, the previously continuous growth of the domestic argan market stagnated, while the international high-value market expanded.

However, exporters faced problems with meeting the new demand. In response, two cooperatives were successfully set up.

As a result, in 10 years the price for one litre of argan oil almost sextupled from \$4.75 to \$27, while the selling price to the end consumer rose as far as \$200. In 2006, the cooperatives’ turnover reached a noteworthy \$1.35 million.

Tunisia

Tunisia owns a number of GIs for wines, such as Kelibia, Mornag, Sidi Salem, Tebourba and Thibar.

Going forwards

Despite the cited examples, our stunted survey has shown that GIs still suffer from a somewhat shadowy existence in sunny Middle East, if compared to the more than 3000 GIs currently registered in the EU. In spite of this, they keep moving further into the focus of national legislators, as proven by the adherence to the above treaties and the tendency of national laws to contain express articles on indications of source.

The hope is that soon the economic and infrastructural environment for sound international marketing will duly be addressed by local authorities, as in the cited Moroccan argan oil case. In fact, GIs offer three advantages to the region:

- They assure decent labour for local people;
- They do not require advanced and costly technology; and
- They preserve an important part of national heritage and culture.

Dutch professor Louise Fresco, acclaimed expert on sustainability, once said while reflecting on the connection between past and present: “Food, in the end, in our own tradition, is something holy. It’s about sharing. It’s about honesty. It’s about identity.” **IPPro**



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