Strategic use of branding for competitiveness: the rationale for branding and marketing agricultural products of African countries

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Abstract

Growers of agricultural products and key actors involved in the value chain in advanced and high-income developing countries commonly use brands in marketing agricultural products and strengthening competiveness in the market. However, the tool is little known and used by farmers and stakeholders involved in the processing and marketing of agricultural products in Africa. There are encouraging recent developments in the use of brands to market agricultural products, with the support of development partners such as the World Intellectual Property Organization and the Department for International Development (DFID). This article aims to explain the significance of agriculture, the challenges in marketing agricultural products and the importance of promoting the use of brands in marketing African countries' agricultural products. A review of experiences in the use of brands in marketing agricultural products will be subject to a subsequent article.

Keywords: branding; competitiveness; marketing; agricultural products; farmers; exporters; Africa

Introduction

Agriculture is the backbone of the economy of the majority of African countries. It contributes to the gross domestic product (GDP), is a source of employment and livelihood for the majority of the population, a major foreign exchange earner and a supplier of raw materials to local industry. However, the sector has been weak. It has not, for example, succeeded in ensuring secured income for small farmers and food security at national and household levels; or succeeded in serving as a basis for boosting socio-economic development. There are a number of factors that may explain this. The focus of this article is market-related constraints, particularly the challenges faced in the international agricultural products market.

There are structural problems that have an adverse impact on the marketing of agricultural products. Relatively few buyers, concentrated in large multinational companies, dominate the market. For example, four companies – Nestle, The Kraft Heinz Company, The J.M. Smucker Company and Starbucks Corporation – dominate the international coffee market.[1] This results in a power imbalance in the market with growers taking the price offered by the purchasers. The price of agricultural products has been unstable and the income of countries and producers has been declining. Agricultural products are homogenous and are marketed as commodities, even when some of the products have distinctive characteristics that differentiate them from similar products, command a growing demand and fetch a higher price in the international market.

These problems may be partly addressed through the use of brands protected by relevant intellectual property (IP) tools, which are commonly employed by businesses and farmers in advanced countries and

1 Business wire. (2019, March 21). The global coffee market: Industry analysis and outlook (2019–2023). Retrieved from https://www.researchandmarkets.com/research/nmrrkj/global_coffee?w=4, accessed on June 15, 2006.

high-income developing countries. Use of branding may, amongst other approaches, help in capturing and further building reputation and goodwill associated with distinctive agricultural export products, delinking from the commodity market, strengthening competitive position and enhancing trade revenue.

This article aims to highlight the significance of agriculture in African countries and the challenges faced by these countries in the international agricultural products markets, as well as provide an overview of the benefits of using branding to address marketing challenges, improve income and meet broad objectives that include poverty alleviation and food security.

Significance and Challenges of Marketing African Agricultural Products

Significance of agriculture in African countries

Agriculture is the backbone of the economy of a number of African countries. The sector contributes to the gross domestic product, accounting for 32% of the GDP in Africa, provides employment opportunity for 65% of the continent's labour force and generates export revenue for African countries.[2] The magnitude of the contribution of agriculture to the GDP varies from country to country, from below 3% in Botswana and South Africa to more than 50% in Chad.[3] Agriculture is a major source of employment in many of the African countries. The figure is higher in countries such as Ethiopia and Uganda, where the sector provides jobs for about 78%[4] and 70%[5] of the population respectively. A similar picture is seen in other African countries where non-agricultural sectors are key to the economy. For example, in Zambia, where mining is the most important sector, agriculture remains a major source of livelihood and employment for about 70% of the population.[6]

Agriculture is a source of foreign exchange and trade revenue for African countries, with agricultural products representing the bulk of many African countries' export goods. It accounts for about 40% of the continent's hard currency earning[7] and plays a key role in supporting local industries. It is also the major source of raw material for about two-thirds of the manufactured goods in most of the African countries.[8]

Agriculture is an engine of long-term economic growth, development and poverty reduction. The sector is key to the enhanced socio-economic development of many of the African countries when seen in light of available and scarce factors of production, namely capital, labour and land. Land and labour are abundant, while capital is scarce. Positive change in the agricultural sector would improve the lives of much of the population of the African countries, increase foreign exchange earnings and support the development of other sectors, such as local industry.[9]

Cognisant of the significance of agriculture in fostering development and economic growth, a number of African countries issued national policies aimed at fostering agricultural development.[10] In addition to the policy measures taken at a national level, programs and plans have been adopted at a regional level. An example of this is the Comprehensive Africa Agricultural Development Program[11] (CAADP) of the African Union. In this program, African leaders set a target of 6% annual average growth rate in agriculture to meet the food requirements of the growing population as well as to support the development efforts of their countries.[12] These policy instruments, amongst others, provide direction and list actions that should be taken to improve

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2 Ibrahim Mayaki, CEO, New Partnership for Africa's Development (NEPAD)WEF, 05/2016.
3 OECD-FAO Agricultural outlook 2016–2025, Agriculture in Sub-Sahara Africa: Prospects and Challenges in the Next Decade.
4 Martins, P. Structural Change in Ethiopia An Employment Perspective, Policy Research Working Paper 6749, The World Bank Africa Region Poverty Reduction and Economic Management Department January 2014. Retrieved from http://documents.worldbank.org/curated/en/465501468031484282/pdf/WPS6749.pdf, accessed on June 18, 2019.
5 See Uganda National Development Plan 2015–2020.
6 FAO (2014). *FAO statistical yearbook: Africa food and agriculture*.
7 African Union (AU) and New partnership for Africa's development (NEPAD), Comprehensive Africa Agriculture Development Program (CAADP), 2003.
8 Ibid.
9 See Dethier, J-J. and Effenberger, A. (2011). *Agriculture and development a brief review of the literature*, World Bank, Policy Research Working Paper 5553.
10 Examples of these policies include Agricultural Development Led Industrialization Strategy (ADLI), 1993 and Rural Development Policy and Strategies was issued in April 2003 of Ethiopia; Government of Malawi National Agriculture Policy, 2016; and United Republic of Tanzania, Ministry Of Agriculture Food Security And Cooperative, National Agricultural Policy, 2013.
11 African Union (AU) and New Partnership for Africa's development (NEPAD), Comprehensive Africa Agriculture Development (CAAD), 2003.
12 Ibid.

the marketing of agricultural products, but fail to provide for the promotion of the use of branding and intellectual property tools in improving marketing positions, strengthening competitiveness and enhancing trade revenue.

Challenges in marketing and benefitting from agricultural export products

A number of African countries depend on a few agricultural export products (such as coffee, cotton, maize, flowers, fish, seafood, rice, spices, sugar, tea, fruit, vegetables, nuts, tobacco and livestock products that include meat, raw hides/skins and live animals) for generating export revenue. These products are homogenous and are sold in the market as commodities, even when the products have distinctive characteristics and increased demand in the market.

The international commodity market is not stable. The price of agricultural commodities has fallen for the past 30 years.[13] Price fluctuation in agricultural products is common in the international commodity market, mainly due to change in the magnitude of supply. The buyers, of which there are few in the market, often determine the price with primary product-exporting countries having little role in the setting of the price – they are mere price-takers. Instability and decline in commodity prices has a huge impact on African countries. For example, Benin, Chad and Mali lost 25% of their total export earnings from 1990 to 1992 following a drop of 34% in the world price of cotton.[14]

African countries' and farmers' share of the benefits derived from agricultural products in the market has been negligible. Companies in export destination countries enjoy the bulk of the benefits.[15] This may be explained by taking coffee and bananas as examples. Coffee generates US$70 billion in the retail market, of which coffee-producing countries receive 5 billion.[16] Moreover, banana-producing countries' and growers' share of the total retail price of the product is 12% and 2% respectively.[17]

Inadequate grower income forces African farmers to shift to other products that may have short-term benefits but long-term adverse impacts. An example is Zanzibar clove. Clove is the major export product of Zanzibar, accounting for up to 70% of the island's export earnings. Insufficient return from clove products has forced farmers to refrain from planting new clove trees and use the timber from clove trees for charcoal and furniture instead.[18] This has led to a decline in clove trees and the shrinking of forest cover that has affected the country's clove production and export revenue, as well as resulting in environmental degradation.

Inadequate return from agricultural products has also forced farmers to migrate to urban areas in search of opportunities.[19] Migration from the rural areas to the cities has adverse socio-economic and political impacts, including increased unemployment and increased burden on already limited infrastructure, such as health, education, drinking water and housing. It may also be a source of unrest and insecurity.

The need to stabilise commodity prices was recognised and international commodity agreements were reached to minimise the effects of global commodity price shocks using mechanisms such as quotas. However, the agreements were limited to certain crops, such as coffee, cocoa and sugar. Moreover, the arrangements were generally unsuccessful and they failed in the 1980s and 1990s as the cost of maintaining them became unsustainable.[20]

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13 Layton, R., Tiffen, P., Layton, D., Chu, M., Sarkissian, H. and Popovic, B. (2008). *Distinctive values in African export products: How intellectual property can raise export income and alleviate poverty*. Washington, D.C.: Light years IP.

14 OECD. (1997). Market access for the LDCs: Where are the obstacles? *OECD/GD* (97), 174, Paris.

15 See Docherty, C. (2012). *Branding Agricultural Commodities: The development case for adding value through branding*. International Institute for Environment and Development/Sustainable Food Lab.

16 Common Fund for Commodities. (2005). *Overview of the Situation of Commodities in Developing Countries.* Retrieved from http://www.g77.org/ifcc11/docs/doc-04-ifcc11.pdf.

17 Ibid.

18 For details, see Blakeney, M. and Mengistie, G. (2012). Zanzibar: Cloves. In M. Blakeney, T. Coulet, M. Getachew & M. Tonye Mahop (Eds.). *Extending the protection of geographical indications: Case studies of agricultural products in Africa*. Abingdon, UK: Earth scan.

19 Common Fund for Commodities. (2005). Overview of the Situation of Commodities in Developing Countries. Retrieved from: http://www.g77.org/ifcc11/docs/doc-04-ifcc11.pdf.

20 Our Common Interest: Report of the Commission for Africa. (2005, March). Retrieved from http://www.commissionforafrica.info/wp-content/uploads/2005-report/11-03-05_cr_report.pdf, accessed on December 30, 2018.

Some of the aforementioned problems may partly be addressed using brands, especially when the agricultural export products have distinctive characteristics. Studies[21] show that several African countries have agricultural export products that are known, command increased demand and fetch premium prices in the international market. However, the countries and the producers get very little as the products are sold as commodities, without being differentiated from similar products. Branding will, alongside other measures, help to address this problem and capture intangible value associated with agricultural products.

Rationale for Branding and Marketing Agricultural Products

There is no uniformity in the definition of a brand. Different writers define the concept differently. An example of this is the scope of definition of the notion. Some define brand narrowly as 'the combination of a name, words, symbol or design that identifies the product and a company and differentiates it from the competition'.[22] In contrast, the concept may also be defined broadly as anything that distinguishes a certain product from similar products.[23] This will include a name, word, symbol or design, or a combination of one or more of these, that influences customers' experience and how other persons perceive or see the value of the product. Brand is a promise of quality, consistency and the fulfilment of customers' needs and expectations. It indicates the origin of a product and imparts a message about why one should prefer a certain product over similar products. A brand may be supported and complemented by stories reflecting how the product is produced (e.g. organic and eco-friendly). Such stories, evidenced by organic and environmental certification, will enable producers to benefit from the growing demand and preference for organic and environmentally friendly products, as well as the consumers' willingness to pay more for such products.

Brands are used in marketing agricultural products in both advanced and developing countries. Examples of agricultural product brands are Chiquita bananas,[24] Pink Lady apples,[25] Zespri' kiwi fruit,[26] Idaho potatoes,[27] Darjeeling tea[28] and Jamaica Blue Mountain coffee.[29]

African countries have distinctive agricultural products that are known for their unique characteristics, commanding demand and fetching a higher price in the market.[30] However, countries and producers derive very little benefit, partly due to failure or inadequate use of branding. An example is Ugandan vanilla. Uganda produces some of the best vanilla in the world, which fetches a higher premium in the international market. However, the stakeholders in the vanilla supply chain and the country have been receiving a very small share of the price of their unique vanilla. A study made by Light Years IP, a Washington-based non-governmental organisation, revealed that vanilla producers and exporters received US$8 and US$25 per kilogram respectively, while foreign importers received around US$123–138 and retailers US$352 per kilo.[31]

There are a number of reasons for African countries to promote the use of brands in marketing agricultural products. Branding will support the agricultural sector by facilitating the marketing of distinctive products,

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21 Example of such studies are Layton, R., Tiffen, P., Layton, D., Chu, M., Sarkissian, H. and Popovic, B. (2008). *Distinctive values in African exports: How intellectual property can raise income and alleviate poverty*. Light Years IP, Washington and Mengistie, G. and Blakeney, M. (2016). Geographical indications in Africa: Opportunities, experiences and challenges. *European Intellectual review*, *38* E.I.P.R.(5) © 2016 Thomson Reuters (Professional) UK Limited and Contributors.

22 Giddens et al. (2002). Cited by Mandeep Pujara, *Branding Agriculture: Creating brands from commodities*. Retrieved from https://www.researchgate.net/publication/303940370_Branding_Agriculture_Creating_brands_from_commodities. The American Marketing Association also defined a brand in a similar manner as 'a name, term, sign, symbol or a combination of them, intended to identify the goods and services of one seller or a group of sellers and to differentiate them from their competitors', WIPO, Brands As productive Assets: Concepts, Measurement and Global trends, Economic Research Paper No. 13.

23 Docherty, C. (2012). *Branding agricultural commodities: The development case for adding value through branding*. Retrieved from http://pubs.iied.org/pdfs/16509IIED.pdf.

24 For details of the product and the brand, please see https://www.chiquita.com/our-fruits/our-bananas.

25 For details, see https://www.pinkladyapples.co.uk/the-pink-lady-story [and Docherty, C. (2012). *Branding agricultural commodities: The development case for adding value through branding*. International Institute for Environment and Development/Sustainable Food Lab].

26 See https://www.zespri.com/.

27 See https://idahopotato.com/.

28 See http://www.teaboard.gov.in/.

29 See http://www.ciboj.org/ and see also https://trademarks.justia.com/735/03/jamaica-blue-mountain-73503906.html.

30 See Light Years IP. (2008). *Distinctive Values In African Exports: How Intellectual Property can raise income and alleviate poverty*, and Mengistie, G. (2016). Geographical indications in Africa: Opportunities, experiences and challenges. *European Intellectual review*, *38* E.I.P.R (5) © 2016 Thomson Reuters (Professional) UK Limited and Contributors.

31 Light Years IP. (2008). *Ugandan Vanilla: Feasibility Study*, 38–39.

strengthening competitiveness, capturing and further building reputation and goodwill and maximising trade revenue. Use of brands will enable the delinking of speciality and unique agricultural products from the commodity market, addressing the problem associated with the fluctuation of the price of agricultural products at the international commodity market, taking advantage of the reputation and goodwill of the products and benefitting from the willingness of consumers to pay a higher price for branded products.

Studies show that consumers are willing to pay more for distinctive products that are marketed using brands. Examples of these studies are those conducted on the return on agricultural products marketed using geographical indications or origin brands.[32] Furthermore, a study for the European Commission estimated that the worldwide sales value of products sold under geographical indications registered in the European Union at €54.3 billion, which showed a 12% increase on the sales value made in 2005.[33] There are also concrete examples of branded agricultural products in Africa that fetch a premium in the market. An example is the marketing of Namibian beef meat products using a brand called 'Natural Reserve'. The brand, which is protected as a trademark and owned by the Meat Corporation of Namibia, the country's largest processor and exporter of beef, helped to generate a premium above the price received by comparable farmers that amounts to US$25 million per annum.[34]

Brands will help to meet customer needs as agricultural producers will have to maintain and enhance the quality of the product in order to keep brand promise, facilitate traceability and enable consumers to have the product of their choice. The tool will facilitate customer recognition and the association of a certain agricultural product with its brand, helping to retain existing customers and attract new ones. This will further strengthen competitive position and ensure sustainability of income for producers.

Improving farmers' income has a positive impact on rural development. It helps to alleviate poverty, deter the inflow of the rural population to urban areas and incentivise farmers to maintain their surrounding environment. Branding and marketing agricultural products will thus be in line with, and contribute to, the realisation of the goals of many of the development policies, strategies and plans of African countries and the African Union.

The Need for Protection of Brands

Brand development, management and promotion will require the investment of resources such as expertise and finance. Such investment will be wasted if the brand is not protected. Illicit traders may have a free ride on the unprotected brand, which will have an adverse impact. An example is the marketing of inferior products using the brand that results in damage to the reputation and goodwill associated with the product, as well as eventual loss of market.

Failure to protect designations as a brand may result in loss, misappropriation and/or misuse of valuable assets. There are examples where valuable African designations, such as geographical origins, are misappropriated and used by foreigners due to the failure of Africans to protect the assets. An example is 'Kilimanjaro', which is name of the highest mountain in Africa in the Kilimanjaro administrative region of Tanzania, where coffee grows. Kilimanjaro is registered as a trademark and is owned by a German company called Kilimanjaro Plantation Ltd to market products including coffee.[35] This has huge implications. A coffee grower or exporter in the Kilimanjaro region may not be able to export its product in the country where the

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32 Babcock reported that Bresse poultry in France receives quadruple the commodity price for poultry meat; Italian Toscano oil gains a 20% premium above commodity oil; and milk supplied to produce French Comté cheese sells for a 10% premium. See Babcock, B.A. (2003). Geographical indications, property rights, and value-added agriculture. *Iowa Ag. Review*, *9*, article 1. Retrieved from http://lib.dr.iastate.edu/iowaagreview/vol9/iss4/1, accessed 17 January 2019. See also Marette, S. (2005). *The collective-quality promotion in the agribusiness sector: An overview*. Working Paper 05-WP406, Centre for Agricultural and Rural Development, Iowa State University; Teuber, R. (2011)._Consumers' and producers' expectations towards geographical indications: Empirical evidence for a German case study. *British Food Journal*, *113*, 900.

33 Blakeney M. (2016). Intellectual property and food labeling: Trademarks and geographical indications. In G. Steier and K.K. Patel (Eds.). *International food law and policy*, pp. 111–112. Cham, Switzerland: Springer.

34 Docherty, C. (2012). *Branding agricultural commodities: The development case for adding value through branding*. Retrieved from http://pubs.iied.org/pdfs/16509IIED.pdf.

35 See https://www.wipo.int/branddb/en/.

German company protects the brand as a trademark. Such an act will amount to infringement of a right and may result in legal liability. Selling blended coffees as 'Kilimanjaro' may also dilute the goodwill and reputation associated with the authentic coffee that grows in the Kilimanjaro district of Tanzania.

There is thus a need for the protection of brands, and designations that may be used as brands, in marketing African agricultural products using relevant intellectual property tools.

The Convention Establishing the World Intellectual Property Organization defines intellectual property as including rights relating to:

> Literary, artistic and scientific works; performances of performing artists, phonograms, and broadcasts; inventions in all fields of human endeavor; scientific discoveries; industrial designs; trademarks, service marks, and commercial names and designations; protection against unfair competition; and all other rights resulting from intellectual activity in the industrial, scientific, literary or artistic fields.[36]

IP confers exclusive right over a brand. Third parties may not use and exploit the brand without securing authorisation from the rights holder. Unauthorized use of a protected brand will constitute an act of infringement of right that will result in legal liability. The brand owner has a right to demand and obtain remedies, including injunction of the infringer from continuing to use the brand and compensation for the harm suffered.

There are a number of IP tools that may be used to protect brands. These include trademarks, collective marks, certification marks and geographical indications. A trademark protects a brand that may include words, letters, numerals, drawings, pictures, shapes, colours or slogans, or combinations of two or more such signs.[37] Trademark laws define the requirements for registration of a sign as a trademark. The basic requirement is that the sign shall be capable of distinguishing a product from similar products. Examples of signs that may be considered distinctive include arbitrary or fanciful designations. Signs that may not be considered distinctive include the name of a geographical location or a word that describes a certain product or reflects the quality, nature and type of a product. Descriptive words, such as names of geographical places, may be protected as a trademark when they acquire distinctiveness or have a secondary meaning. That is, when consumers associate a certain descriptive word with the origin of a specific product and not the product itself.

A certification mark protects a sign used to denote the origin of a product that meets set standards and specifications.[38] The mark indicates that the owner of the brand certifies that a certain agricultural product meets set standards and specifications. A public or private entity that will not be involved in the commercialisation of the product using the brand can own a certification mark. Any person that meets set standards can use the certification mark. The relationship between the owner and users of the mark will be based on a license agreement that will be concluded between the owner (licensor) and the users (licensees) of the mark. Licensees will be required to comply with the rules and standards which, amongst others, define the characteristics of goods, the methods of production, quality control mechanisms and the consequences of failure to comply with specified requirements.

A collective mark protects a brand that is capable of distinguishing the products of members of an organisation or association from similar goods. It is essential to note here that the organisation may accept new members that fulfil the requirements set by the owner of the mark. A sign that is protected as a collective

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36 Article 2 (viii) of Convention Establishing the World Intellectual Property Organization signed at Stockholm on 14 July 1967 (and as amended on September 28, 1979). Retrieved from http://www.wipo.int/treaties/en/convention/, accessed on 1 August 1, 2018.

37 Article 15(1) of the TRIPS Agreement states that 'any sign or combination of signs, capable of distinguishing the goods or services of one undertaking from those of other undertakings, shall be capable of constituting a trademark. Such signs, in particular words including personal names, letters, numerals, figurative elements and combinations of colors as well as any combination of such signs, shall be eligible for registration as trademarks. Where signs are not inherently capable of distinguishing the relevant goods or services, members may make registrability depend on distinctiveness acquired through use. Members may require, as a condition of registration, that signs be visually perceptible'. A similar definition is found in national trademark laws including LDCs. An example is article 2 (12) of the Trade Mark Registration and Protection Proclamation No. 501/2006 of Ethiopia that defines a trademark as 'any visible sign capable of distinguishing goods or services of one person from those of other persons; it may include words, designs, letters, numerals, colors or the shape of goods or their packaging or combinations thereof'.

38 Similar definition is provided in the laws of LDCs. An example is section 3 of Liberia Intellectual Property Act, 2014 that defines a certification mark as a sign that is used to indicate that specified standards or characteristics, including quality, origin or method of production, have been complied with in respect of goods or services, as certified by, or under the control of, the holder of the registration of the mark.

mark may not be licensed to any other person outside of the members of an organisation or association.[39] Unlike trademarks, a collective mark cannot be owned by an individual and may not be used by the owner. Certification and collective marks can be used collectively in marketing agricultural products. The main difference between collective marks and certification marks is that the use of a collective mark is limited to members of the organisation that owns the mark, while a certification mark can be used by anyone that meets set requirements and standards.

Geographical indication (GI) is an indication that identifies a good as originating from a territory of a country 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.[40] For a brand that may consist of an indication to be protected as a GI:

a) the indication, which could be the name of a place or other designation, should be linked to a particular territory that designates the geographical origin of the product;
b) the product should have a certain quality, reputation or other characteristics; and
c) the quality, reputation or other characteristics should be attributed to natural and human factors of the geographical origin of the product.

It should be noted here that the indication that may be protected as a GI might not be distinctive, unlike signs that will be protected as trademark. Geographical indication may be owned by a public or private entity. Producers and processors that live in a specific geographical area and produce defined products in line with set requirements are allowed to use the GI in marketing their goods. Failure to comply with the requirements will result in deprivation of the right to use the protected GI. Unlike trademarks, geographical indications are not freely transferable from one owner to another. This is because a user of a GI must have the appropriate association with the geographical region and must comply with the production practices of that region.[41] Moreover, the right to protect a GI from wrongful appropriation is enjoyed by all traders from the particular geographical location.[42]

Farmers and key actors in the value chain of agricultural products of African countries may use each of the relevant IP tools to protect brands that may be developed or used in marketing agricultural products. However, there is a need to choose the appropriate intellectual property tool, taking into account a number of factors such as the laws of the country and countries in which the brand will be protected, the type of the brand and the objective of using the brand. Only a few countries in Africa provide for trademark, certification mark, collective mark and geographical indications.[43] Moreover, countries such as the USA do not have a law dealing with geographical indications. In these countries brands that may, for instance, constitute geographical indications may be protected using certification marks. Where the type and the purpose of the brand are limited to the use of members of an organization, the appropriate tool would be a collective mark.

Conclusion

Agriculture is the backbone of the economy of most of the African countries. Clear policies and plans are developed at a national level to foster the development and address the challenges of the agricultural sector. However, the agricultural sector has not yet been able to meet needs such as food security, improvement of

39 See, for example, Section 10.11 (e) of the Intellectual Property Act of Liberia.
40 Article 22(1) of the TRIPS Agreement defines geographical indications as 'indications, which identify a good as originating in the territory of a Member, 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'. A similar definition is found in laws that govern the protection of geographical indications in LDCs. An example is section 3(1) of the IP Act of Liberia that defines geographical indications as 'indications which identify a good as originating in the territory of a Member State 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'.
41 Blakeney, M. (2016). Intellectual property and food labeling: Trademarks and geographical indications. In G. Steier and K.K. Patel (Eds.). *International food law and policy*, p. 109. Cham, Switzerland: Springer.
42 Ibid.
43 A search made in WIPO national laws database, https://wipolex.wipo.int/en/main/legislation, revealed that Burundi, Liberia, Morocco, Mozambique, Seychelles and Rwanda provided for protection of each of the tools. The majority of the African countries have laws dealing with two or three of the tools. Eritrea and Somalia do not have IP laws.

the standard of living of the rural population and increasing foreign exchange earning. This could be due to a number of factors, such as market constraints. African countries and producers benefit very little from agricultural products, including those that are well known in the international market and fetch a higher price. Branding may partly help in addressing the problems that the countries face in marketing distinctive agricultural products. These tools are effectively used by business establishments including associations of growers in advanced and high-income countries, such as the USA, France, India and China.

African countries have intellectual property laws and institutions that provide for protection of brands. However, these tools are inadequately used in protecting agricultural product brands locally. Moreover, only a handful of brands are protected in foreign countries. There is thus a need to promote the use of branding and intellectual property in strengthening competitiveness and enhancing trade revenue. This may require creating awareness of the significance of brand and supporting the use of brands by growers, exporters and businesses involved in the marketing, processing and exporting of agricultural products.

It should be noted that branding alone might not suffice to fully address the challenges of marketing agricultural products and attaining goals such as ensuring a sustainable and higher income for African farmers. Branding initiatives should be supported by complementary measures that should be taken by governments and development partners. These will include farmer training; setting up and strengthening quality control; inspection infrastructure; and supporting brand management, promotion and development.

Although branding of agricultural products is not yet widely used by African growers and stakeholders involved in the marketing of agricultural products, there are encouraging developments and concrete success stories that demonstrate the significance and impact of the use of brands. These will be examined in an article that will be published in a subsequent issue of this journal.