



PROTECTING ORIGIN, PRESERVING IDENTITY: THE CASE FOR A GEOGRAPHICAL INDICATIONS FRAMEWORK IN NIGERIA

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ABSTRACT

In today's global marketplace, products that are associated with specific regions have become highly valued both commercially and culturally due to the legal safeguards provided by Geographical Indications (GIs). Countries like the European Union and India have effectively used GI systems to support rural growth, protect traditional knowledge, and improve their ability to compete in international trade. However, Nigeria, which has a wealth of origin-linked products such as Ofada Rice, Ijebu Garri, Uda Pepper, and Kano Leather, does not have a complete legal and institutional system in place to protect these products through GIs. This lack of protection has led to financial losses, unauthorized use of these products, and the slow fading away of cultural traditions. To fix these problems, the article suggests creating a separate law specifically for geographical indications, making the Intellectual Property Office of Nigeria (IPONIG) the main authority responsible for regulating GIs, and encouraging producer groups to handle and protect GI rights. Moreover, it recommends using the African Continental Free Trade Area (AfCFTA) to improve recognition and support for Nigerian GIs across the region. The article ends by stating that the lack of a GI framework in Nigeria is both a legal and development issue.

KEYWORDS: *Indications, Intellectual Property, Jurisdiction, Nigeria and Rights.*

1. INTRODUCTION

The global market is structured in line that it gives utmost regard to authenticity, quality, and origin, rewarding products that carry Geographical Indications (GI). In the global market, products that carry GI protection such as Champagne from France, Darjeeling tea from India, and Parmigiano-Reggiano from Italy stand as premiums, enjoying legal protection from imitation, misappropriation or genericization and they serve as boosts for both the producer, and the local economy of their place of origin. When considered in the Nigerian context, the Nigeria's economy possesses an array of standard origin-linked products, including but not limited to the Nsukka Yellow Pepper, Ijebu Garri, Ofada Rice. The reality however is that these products are without GI protections, leaving them acutely vulnerable to misappropriation and lack of recognition in the domestic and sub-national trade market. They suffer from counterfeiting and genericization serving as a huge disadvantage to the Nigerian local economy. As a result, local producers are denied the potential economy premium likely to be gained from their indigenous knowledge, and unique regional climates. In view of the foregoing, this paper seeks to assess what GI encompasses. Further, it goes into looking at the disparity between the economy of global GI products and the Nigerian unprotected origin linked goods. Similarly, it evaluates the impact of the lack of GI protection on goods, lives, communities, and the socio-economic realities of local producers in Nigeria.

Ultimately, it looks at the strategies that must be adopted to successfully transition Nigeria's origin-linked products into globally recognized and legally protected Geographical Indications.

2. CONCEPTUAL CLARIFICATIONS

Geographical Indication (GI) is a sign or mark attached to a product that originates from a specific locality having particular qualities, characteristics and reputation that distinguishes it as a product of the place where it owes its origin. According to the World Intellectual Property Organization (WIPO), "a geographical indication (GI) is a sign used on products that have a specific geographical origin and possess qualities or a reputation that are due to that origin."¹ Before GI is identified as one, the sign on the product must identify it as originating from a certain place.² Furthering as an extension of the above, the World Trade Organization identifies GI as names or words associated with a place which are used to identify the origin and quality, reputation or other characteristics of products.³ Article 22.1 of the TRIPS Agreement "...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."⁴ Remarkably, GI is a form of intellectual property rights, which are given to agricultural, natural, manufactured, or handicrafts stemming from a geographical area.⁵

2.1. Indications

This refers to a sign, name or label used to indicate the geographical location where a product comes from. Unlike appellations of origins, it does not require that the product be linked to the characteristics of the geographical place of origin, rather, it identifies the origin alone, without recourse to the quality or any special reputation that is tied to that place.⁶

2.2. Appellation of Origin

This is a type of GI which requires that before GI is identified as one, the characteristics, qualities and all other essential elements came out essentially or exclusively as a result of the geographical environment, including the natural and human factors giving the product the reputation it possesses.⁷ It also requires that all the processes of production and processing take place in that

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¹ WIPO, 'Geographical Indications' (*Wipo.int*) <https://www.wipo.int/en/web/geographical-indications> accessed 24 March, 2026.

² *ibid*.

³ Geographical Indications (*Wto.org*) <https://www.wto.org/english/tratop_e/trips_e/gi_e.htm> accessed 24 March, 2026.

⁴ WIPO, *Geographical Indications: An Introduction* (WIPO, 2021)

⁵ Armelle Mazé, 'Geographical Indications as Global Knowledge Commons: Ostrom's Law on Common Intellectual Property and Collective Action' [2023] 19(4) *Journal of Institutional Economics* 494–510.

⁶ Dev Gangjee, 'The Indication of Source – Paris and Madrid' in Dev Gangjee, *Relocating the Law of Geographical Indications* (Cambridge University Press, 2012).

⁷ WIPO, 'Famous Appellations of Origin' (*Wipo.int*, 2008) <<https://www.wipo.int/en/web/wipo-magazine/articles/famous-appellations-of-origin-36566>> accessed 24 March, 2026.



same geographical environment.⁸ These products are often authentic to the extent that consumers already familiar with them and often request for them with their geographical names.⁹

2.3. Justifications

Notably, origin-linked products typically contain the names of the places where they originate from, also the qualities of agricultural products are derived from the environmental factors such as climate and soil. In view of this, GI protects the products that originate from such particular locality, protecting them from unfair competition, and undue infringement. Likewise, it aims to protect the quality, characteristics, and the reputation of a product that are fundamentally linked to a geographical location.¹⁰ Besides that, GI fosters cultural preservation, protecting the cultural identity of a product. An origin-linked products often carry the historical identity, cultural skills, tradition and artistry distinctively particular to the place where it originates. With GI, these tradition, and cultural identities can be preserved, protecting them from biopiracy and unauthorized use.¹¹

Additionally, it is capable of ensuring consumers' protection. The protection of GI is to ensure the production of quality goods, facilitate the right to safety and comfort in the consumption of these goods for consumers who will feel safe and comfortable in consuming the products, and are kept away from the danger.¹² Typically, GI products carry a label or sign that designate the origin of such products. This passes an important information to the consumer who is made aware of the reputation and quality of goods coming from the place of origin. Therefore, consumers can get the products worth the money paid.¹³

3. INTERNATIONAL LEGAL FRAMEWORK

3.1. Paris Convention, Lisbon Agreement, and TRIPS Articles 22 – 24

The protection of intellectual property which is linked to geographical origins of products started off with the Paris Convention for the Protection of Industrial Property on the international level, which included 'indications of source or appellations of origin' as protectable industrial property.¹⁴

⁸ Genevieve Teil, 'Protecting Appellations of Origin: One Hundred Years of Efforts and Debates' in William van Caenegem and Jen Cleary (eds) *The Importance of Place: Geographical Indications as a Tool for Local and Regional Development* (Springer 2017).

⁹ Ibid, WIPO.

¹⁰ Shiv Shankar Singh, 'A critical analysis of the importance of geographical Indications as an IPR and their impact on Economic Development' [2024] 10(7) *International Journal of Applied Research* 97 – 100.

¹¹ Rajiv Kangabam, 'Importance of Geographical Indication for Conservation of Traditional Products' [2014] 4(2) *A Journal of Environment and Biodiversity* 55 – 58.

¹² Dian Ety Mayasari, 'Protection of Geographical Indications as a Form of Consumer Rights Protection' [2020] 35(1) *Yuridika* 41.

¹³ Ibid.

¹⁴ Paris Convention for the Protection of Industrial Property (adopted 20 March 1883, as amended on 28 September 1979) 828 UNTS 305, art 1(2); WIPO, *Paris Convention for the Protection of Industrial Property* (WIPO 1979) <<https://doi.org/10.34667/tind.28692>> accessed 24 March, 2026; G H C Bodenhause, *Guide to the Application of The Paris Convention for the Protection of Industrial Property* (BIRPI 1968); Gabriel Galvez-Behar, 'The 1883 Paris Convention and the Impossible Unification of Industrial Property' in Gooday, Graeme; Wilf, Steven *Patent Cultures: Diversity and Harmonization in Historical Perspective* (Cambridge University Press 2020) 38-68; Shreyasi Nath, 'An Analysis Of The Role Of The Paris Convention In Protecting The Industrial Property Rights' (2021) 3(1) *Indian Journal of Law and Legal Research*.

What is noteworthy about the convention was that the resolution was based on broad prohibitions against false indications¹⁵. Subsequently, with the view to offer a more robust mechanism, the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration 1958 was established.¹⁶ The Lisbon agreement established an international registry. The establishment was aimed at ensuring that whenever an appellation of origin has been recognised in one member state, then it will ensure that it is protected across all other member states. The challenge however lies in the limited membership, which historically constrained its global impact.

Flowing from the above, the most comprehensive and globally enforceable framework emerged in the world Trade Organization's (WTO) Agreement on Trade-Related Aspects of Intellectual Property Rights 1994 (TRIPS Agreement). The provisions in Articles 22 to 24 of the TRIPS Agreement mandate ensure that there are legal frameworks and mechanisms put in place to prevent the use of signs that can potentially mislead the public in relations to the geographical origin of a product. Be that as it has elevated the protection for wines and spirits, prohibiting the use of such geographical indications even when they are used in translation or accompanied by expressions such as 'kind', 'type', or 'style'.¹⁷

3.2. AfCFTA IP Protocol and WIPO's role

The protocol on Intellectual Property Rights to the Agreement which is responsible for the establishment of the African Continental Free Trade Area (AfCFTA IP Protocol) stands as a fundamental turning point for the harmonization of intellectual property across countries under the African continent.¹⁸ The Protocol expressly recognizes the economic value of GIs. In the same vein, it explicitly recognizes the cultural value, thereby seeking to establish harmony, and cooperative frameworks that will protect the indigenous products of Africa from misappropriation in the global market. Resultantly, the AfCFTA IP Protocol aims to boost trades within Africa, affording rural and agricultural communities the chance to command premium prices for region-specific goods.

Conversely at the global level, WIPO stands as a monumental organization playing an important role in facilitating the adoption and enforcement of these frameworks. The Organization administers registries, further providing technical and capacity-building assistance through programs organized for developing nations striving to implement TRIPS-compliant systems.¹⁹ Additionally, through its legislative advice and dispute resolution mechanisms, WIPO actively

¹⁵ Sam Ricketson, *The Paris Convention for the Protection of Industrial Property (First Edition)* Get access Arrow (1st edn, Oxford University Press, 2015).

¹⁶ Dev Gangjee, 'The Appellation of Origin in the Lisbon Agreement' in Dev Gangjee, *Relocating the Law of Geographical Indications* (Cambridge University Press, 2012).

¹⁷ Agreement on Trade-Related Aspects of Intellectual Property Rights (adopted 15 April 1994) Marrakesh Agreement Establishing the World Trade Organization, Annex 1C, 1869 UNTS 299, art 23(1).

¹⁸ Protocol on Intellectual Property Rights to the Agreement Establishing the African Continental Free Trade Area (adopted 19 February 2023) Assembly/AU/Dec.850(XXXVI).

¹⁹ World Intellectual Property Organization (WIPO), 'Geographical Indications: An Introduction' (2nd edn, WIPO Publication No 952E, 2021) 14.



bridges the gap between international treaty obligations and the practical enactment of domestic IP laws, thereby ensuring that nations have the necessary institutional support in order to protect their sovereign geographical assets.²⁰

3.3. Nigeria's Institutional Obligations and Compliance Gaps

Being a member of WTO, and a signatory to the TRIPS agreement, it is mandated on Nigeria to provide the legal means and support for interested parties to prevent the misuse of GI to prevent the possibility of misleading the public.²¹ In spite of this, Nigeria still does not have a dedicated legal framework for GIs. Rather, the reliance is placed on the tort of passing off and the registration of certification marks under the Trade Marks Act 1965.²² Contingent upon this, the proactive approach envisioned by TRIPS is substantially undermined. This gap imposes a heavy burden on local producers who often lack the resources for protracted trademark litigation.

In view of the foregoing, the legislative lacuna exposes the Country to economic and cultural vulnerabilities. Similarly, it makes indigenous products likely to bring high commercial values such as Sokoto Red Goat leather, Ofada rice, and Nsukka Yellow pepper susceptible to misappropriation by foreign entities.²³ Thus, without a GI registry, Nigeria not only fails to uphold its obligations signed in the TRIPS Agreement, it also hampers its ability to leverage the AfCFTA Protocol.

4. COMPARATIVE ANALYSIS

4.1. European Union: PDO and PGI Schemes

The European Union (EU) still stands as the region with the most advanced and strictly enforced dedicated regulatory framework regarding GIs. The framework is primarily structured around Protected Designation Origin (PDO) and Protected Geographical Indication (PGI) schemes.²⁴ A PDO mandates that for a valid GI, all stages of production, processing and preparation of the product must occur within a particular geographical location. The manifestation of this demonstrates that it is the strictest level of protection. On the other hand, a PGI requires that at least one of the stages of production, processing and preparation takes place in the origin, thus linking the quality of the product to that geographical location.

Viewed from this background, this comprehensive scheme has generated significant immense economic value for the European agricultural sector, transforming their regional products into products which are globally recognised as luxuries. This scheme ensures that producers are

²⁰ World Intellectual Property Organization (WIPO) (n 19).

²¹ A Oyewunmi, *Nigerian Law of Intellectual Property* (University of Lagos Press 2015) 241.

²² Trade Marks Act 1965, Cap T13, Laws of the Federation of Nigeria 2004, s 43.

²³ Rakiya A Muhammad, 'Sokoto red goat: Leather industry in search of revival' *DailyTrust* (Nigeria, 2016)

<<https://dailytrust.com/sokoto-red-goat-leather-industry-in-search-of-revival/>> accessed 25 March, 2026; N Danbaba, 'Physical and Pasting Properties of 'Ofada' Rice (*Oryza sativa* L.) Varieties' [2012] 30(1) *Nigerian Food Journal* 18 – 25; E A Onwubuya and E O Okporie and M G Nenna, 'Nsukka yellow pepper processing and preservation Techniques among women farmers in Enugu State' [2019] 7(2) *International Journal of Agricultural Extension and Rural Development* 1 – 5.

²⁴ Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs [2012] OJ L343/1.

safeguarded from unfair competitions, equally ensuring the authenticity of products for consumers.²⁵ Additionally, the EU sets the global benchmark for the preservation of regional identity by ensuring that trade partners recognize their protected names through their bilateral trade agreements.

4.2. India: Geographical Indications of Goods Act 1999

Owing to the need to fulfil its obligations under the TRIPS agreement, and the imminent threat that followed the disputes over the patent of Basmati rice and Neem, India enacted the Geographical Indications of Goods (Registration and Protection) Act 1999.²⁶ This legislation created a dedicated national registry, explicitly prohibiting the registration of GIs as ordinary trademarks. The purpose of this was to prevent monopolization by single corporate entities. Similarly, the Act provides an application process which is structured in line to grant collective rights to association of producers, therefore, empowering agricultural and artisanship communities. Through this, India has successfully registered several domestic products such as Darjeeling tea and Kanchipuram silk, safeguarding these products from both domestic and international misappropriation.²⁷ In addition, it facilitates rural-economic development. Discernible from this, the Indian model offers a significant guide for developing countries to model in order to protect their indigenous heritage. Similarly, it demonstrates how developing countries can make use of its local IP laws to protect its origin and safeguard it from multinational exploitation.

4.3. South Africa and Ghana: Lessons from Africa

South Africa adopts a hybrid approach to geographical indications, which is heavily driven by its agricultural export market. Initially, the nation relied on the Agricultural Product Standards Act and the Trade Marks Act.²⁸ However, it strategically utilized bilateral agreements such as the Economic Partnership Agreement (EPA) with the EU, to secure mutual protection for key exports like Rooibos tea and specific regional wines.²⁹ This indicates how countries within the African continent can make use of international trade negotiations to enforce GI rights and secure premium pricing in global markets even while evolving their domestic statutory frameworks.

The most direct legislative approach is the route adopted by Ghana. This is due to the nation's enactment of the Geographical Indications Act 2003 (Act 659), being one responsible for a dedicated system streamlined towards the reality across West African countries.³⁰ This model expressly provide the statutory guidelines to be followed for the registration and protection of renowned traditional goods, such as Bolgatanga baskets and Kennel cloth. With recourse to this, it

²⁵ D Gangjee, *Relocating the Law of Geographical Indications* (Cambridge University Press 2012) 89.

²⁶ Geographical Indications of Goods (Registration and Protection) Act 1999 (Act No 48 of 1999) (India).

²⁷ Kasturi Das, 'Protection of Geographical Indications: An Overview of Select Issues with Particular Reference to India' [2006] 11(1) Centenary Visiting Fellow Working Paper 22.

²⁸ Agricultural Product Standards Act 119 of 1990 (South Africa).

²⁹ Economic Partnership Agreement between the European Union and its Member States, of the one part, and the SADC EPA States, of the other part [2016] OJ L250/3.

³⁰ Geographical Indications Act 2003 (Act 659) (Ghana).



is appropriate to hold that by institutionalizing GI, Ghana has taken a proactive step in preventing the misappropriation of its cultural products, and artifacts, further providing a compelling regional precedent that clearly demonstrates feasibility and necessity of formalized IP protections for indigenous crafts and agricultural goods within the ECOWAS sub-region.

4.4. Key Takeaways for Nigeria

As it can be gleaned from the foregoing analysis, the reliance on trademark laws, and common law remedies is substantially insufficient for the contemporary GI protection. The success that accompanied the models of the EU, India, South Africa and Ghana makes it crystal clear that a dedicated legislation implemented for the purpose of GI is essential to protecting the economic and cultural value underlying the local agricultural and artisanal products. Thus, it becomes necessary for Nigeria to adopt an approach that sponsors the establishment of a state sponsored registry as this would consolidate fragmented protections. In view of this, it becomes easier for local associations to protect and defend their cultural products from undue infringement. In addition, enacted a specialised GI framework will facilitate compliance with the TRIPS and AfCFTA, preserve the nation's diverse cultural identity and unlock the patent commercial value of its unique regional products on the global market.

5. GI PROTECTION IN NIGERIA: THE CURRENT LANDSCAPE

5.1. Existing IP Legislation and Its Inadequacy for GIs

The extant intellectual property frameworks in Nigeria are predicated traditional, pre-digital era statutes. They include the Trade Marks Act, Patent and Designs Act and the Copyright Act 2002, all which are specifically silent on the protection of GI.³¹ In view of this, it may be appropriate to contend that legally speaking, GI is practically not recognised in Nigeria. A look into the Trade Marks Act reveals that the Act works substantially against GI protections due to the fact that geographical names in their ordinary signification are made ineligible for trademark protection.³² Pertinently, it creates a paradox when the link to a named place, which is the very connection that gives GI its legal and commercial force, is unregistrable under the law which could ordinarily give some extent of protection.³³ Resultantly, the Nigerian origin products stand at a risk where its products are not recognised locally, and are made invisible in the international market.³⁴

Similarly, the legislative lacuna in Nigeria becomes more clearer when it is put in consideration with international obligations. The TRIPS Agreement and Paris Convention which Nigeria is a

³¹ Trade Marks Act (Cap T13, Laws of the Federation of Nigeria 2004); Patents and Designs Act (Cap P2, Laws of the Federation of Nigeria 2004); Copyright Act 2002.

³² <<https://iclg.com/practice-areas/trade-marks-laws-and-regulations/nigeria>> accessed 26 March, 2026.

³³ Oreoluwa Adebayo, 'The Rationale For Protecting Geographical Indications In Nigeria' (Mondaq, 2020) <<https://www.mondaq.com/nigeria/trademark/1006534/the-rationale-for-protecting-geographical-indications-in-nigeria>> accessed 26 March, 2026.

³⁴ *ibid.*

signatory to, are yet to be domesticated making it difficult to enforce their provisions.³⁵ Moreover, Articles 22 – 24 of the TRIPS Agreement mandate Nigeria and other members of the WTO to provide a legal means for interested parties to prevent the use of any designation that misleads consumers as to the geographical origin of goods or constitutes an act of unfair competition.³⁶ However, these provisions are unimplemented.

5.2. Nigerian Products Deserving Protection

The Nigerian agro-cultural diversity has caused tremendous productions of local products which, if there was a formalized GI protection, would serve as a great commercial and cultural asset with reputational value. Among these products include the Ofada Rice, which is widely known for its peculiar color, aroma, and taste.³⁷ It is usually cultivated by Nigerian farmers.³⁸ However, as it stands, it can be cultivated and sold anywhere in the world, without proper attribution, or benefits accruing to Ofada town in Nigeria or its farmers.³⁹ The intimate relationship between the terroir, technique and culture is precisely the Nexus which a GI law would be designed to protect.⁴⁰ Similarly, the Ijebu Garri, which is a fine grained sour-fermented cassava product produced in the Ijebu region of Ogun State,⁴¹ produced through various communities techniques remains a premium in the domestic market, and commands an utmost regard in the sub-national trade level.⁴² However, despite the uniqueness and artistry behind it, it remains legally unprotected, leaving it vulnerable to misappropriation of the domestic market, and genericization across the international market.⁴³

Moving on, the case of Kano leather is a typical representation of the economic consequences that accompany GI neglect. The tannery factories in Kano are the country's oldest and largest local leather suppliers, and the industry is valued at a minimum of ₦25 billion; it is widely known that

³⁵ Nigeria is a dualist state. Thus, as it can be seen from the provision of section 12(1) of the Constitution of the Federal Republic of Nigeria 1999, "No treaty between the Federation and any other country shall have the force of law except to the extent to which any such treaty has been enacted into law by the National Assembly."

³⁶ Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) (Annex 1C, Marrakesh Agreement Establishing the World Trade Organization) arts 22–24, 1869 UNTS 299.

³⁷ O O Adekoyeni and S A Fagbemi and A R Ismaila, 'Ofada Rice Identity, Physical Qualities and Processing Technology Options for Upgrading: A Review' [2018] 23(2) *Annual Research & Review in Biology* 1 – 9; Ayinde Idris and others, 'Consumption Pattern of Ofada Rice among Civil Servants in Abeokuta Metropolis of Ogun State, Nigeria' [2023] 3(6) *Journal of Biology, Agriculture and Healthcare*.

³⁸ C A Afolami and L A Farinola, 'Economic Analysis of Ofada Rice Production in Obafemi-Owode Local Government Area of Ogun State, Nigeria' [2011] 6(1) *Journal of Humanities, Social Sciences and Creative Arts*, 87; Oyediran Wasiu Oyeleke, 'Assessment of Paddy Rice (Ofada) Processing in Ensuring Rural Women Livelihood Sustainability in Ogun State, Nigeria' [2016] 2(2) *International Journal for Research in Agricultural and Food Science* 82 – 92.

³⁹ O M Mofoluwawo, 'Geographical Indications: Legally Unlocking Untapped Economic Potentials for a Nation Sitting on Gold' (*Thepalmagazine.com* 2025) <https://www.thepalmagazine.com/geographical-indications-legally-unlocking-untapped-economic-potentials-for-a-nation-sitting-on-gold-oluwapelumi-mojolaoluwa-mofoluwawo/> accessed 26 March, 2026.

⁴⁰ I Calboli and W Loon Ng-Loy (eds), *Geographical Indications at the Crossroads of Trade, Development, and Culture* (Cambridge University Press 2017) 112.

⁴¹ Osunmakinde and others, 'Profitability of Garri Processing in Ijebu Ode Local Government Area of Ogun State, Nigeria' [2024] 6(3) *Journal of Agriculture, Environmental Resources and Management* 1 – 10.

⁴² N P Okolie and Memunat N Brai and Oluwaseun M. Atotobi, 'Comparative Study on Some Selected Garri Samples Sold in Lagos Metropolis' [2012] 1(1) *Journal of Food Studies* 33 – 42.

⁴³ E K Oke, 'Rethinking Nigerian Geographical Indications Law' [2022] 25(4) *Journal of World Intellectual Property* 789.



some of the globe's leading fashion labels procure their leather from Kano's tanneries.⁴⁴ Skins from Kano are reprocessed when they are exported to countries like Morocco in Tuscany and northern Italy, where new products are made out of them, tagged luxuries and referred as products made in Italy.⁴⁵ This is not merely commercial, it undermines the provenance of artistry that stretches to a long time ago. Viewed from this background, it follows that without a dedicated domestic legislation for GI protection, the origin of Nigerian products risk becoming displaced, and the local producers remain structurally locked from the premium which their handicrafts generate downstream.

6. CHALLENGES AFFECTING LEGISLATIVE AND INSTITUTIONAL AND STRUCTURES

The legislative lacuna is the most fundamental challenge confronting GI in Nigeria. This is predicated upon the fact that the country has not enacted any law through which origin made products can be formally recognised and registered. The Geographical Indications Bill which was submitted to the Minister of Industry, Trade and Investment in January 2025 still remains the only attempt made by Nigeria. Yet, it still awaits transmission to the Federal Executive Council, after which it goes to the National Assembly.⁴⁶

Arising from this, it may be suggested that this gap is compounded by Nigeria's non-membership of the key international GI instruments. The Nation is neither a party to the Lisbon Agreement nor the 2015 Geneva Act, which would otherwise provide a multilateral registration channel for Nigerian GI products. Further, GI protection is hampered by the lacuna in the existing laws, bureaucratic bottlenecks, a lack of technical knowledge and abilities as well as public awareness.⁴⁷ Similarly are the institutional and structural challenges serving as hinderances. The Nigerian Industrial Property Office which is responsible for the administration of intellectual property rights in Nigeria⁴⁸ seems to have no mandate for the adoption of GI-sponsored legislation. Additionally, there is no designated agency tasked with conducting the product surveys, geographical delineations and quality specification drafting that GI registration requires. It follows from the

⁴⁴ Oyindamola Adebisi, 'Exploring Nigeria's rich leather tradition: History, craftsmanship, and market potential' (*Marieclaire.ng* 2024) <<https://marieclaire.ng/exploring-nigerias-rich-leather-tradition-history-craftsmanship-and-market-potential/>> accessed 26 March, 2026.

⁴⁵ Chinazam Ikechi-Uko, 'Made in Italy or Made in Nigeria: The Ruse Behind Italian Leather' (*the49thstreet.com* 2024) <<https://the49thstreet.com/made-in-italy-or-made-in-nigeria-the-ruse-behind-italian-leather/>> accessed 28 March, 2026. 'Africa's tanneries go hell for leather to supply new markets' <https://african.business/2021/07/energy-resources/africas-tanneries-go-hell-for-leather-to-supply-new-markets> accessed 27 March, 2026.

⁴⁶ Emmanuel Kolawole Oke, 'Rethinking Nigerian Geographical Indications Law' [2022] 25(4) *Journal of World Intellectual Property* 789.

⁴⁷ Site Admin, 'Geographical Indications in Nigeria: In Conversation with Chinasa Uwanna' (*aclrh.net*, 2021) <<https://aclrh.net/2021/07/29/geographical-indications-in-nigeria-in-conversation-with-chinasa-uwanna/>> accessed 26 March, 2026.

⁴⁸ The office administers protection of trademarks, patents and designs in Nigeria and is committed to providing prompt and excellent service delivery consistent with modern innovation and technology as well as raising the profile of Nigeria in the area of industrial property protection, in a way consistent with best practices across the globe.

above analysis that the structural gaps between formal law and ground-level capacity seems to be the most persistent obstacle to the proper operation of GI protection in Nigeria.

7. CONCLUSION

The analysis made herein this paper has demonstrated that the failure to enact a dedicated GI legislation is a structural deficiency with direct consequences for the economic well-being of local producers, the cultural integrity of indigenous communities, and the overall wellness of the Nigeria's economy when put in the context of international trade market. Nigeria is home to a remarkable portfolio of origin-linked products whose commercial potential is being systematically forfeited in the absence of legal protection. Ultimately, Nigeria stands at a critical legislative crossroad. While the country is a signatory to international agreements in relation to GI protection, these agreements are unimplemented, making them unenforceable. The Geographical Indications Bill which was submitted in January 2025 remains the most significant step taken by the country, yet, it is not in consideration of becoming a binding legislation. Thus, expedient to say, the time for incremental hesitation has passed. Nigeria just acts legislatively, diplomatically and systematically as to foster cultural preservation, the origin of what it produces, and the places where it comes from. This will further ensure that the communities whose knowledge sustain these products enjoy the benefits accruing from them.

8. RECOMMENDATIONS

The foremost recommendation proposed by this paper are:

1. The immediate enactment of a dedicated GI protection Act which will be one independent of the existing trademarks of copyright legislations in Nigeria. It has been observed by scholars that dedicated legislations are the most suitable in the African context due to the flexibility they offer to incorporate development-oriented provisions, coordinating fragmented local governance structures and enabling creative capacity-building programmes for rural producers. With a standalone Act, the minimum to be established will be: a public GI registry which will be under a competent dedicated national authority; manners of application and registration which would require a product specification, geographical delineation, and quality link statement; grounds upon which and application may be rejected or cancelled and procedures for doing; the enforcement mechanisms vested in the Federal High Court; and provisions enabling mutual recognition agreements with trading partners.
2. As regards the institutional architecture, this paper recommends designating a reformed and adequately resourced Intellectual Property Office of Nigeria (IPONIG) or a division which is dedicated to GI protection, which will be responsible as the lead administrative authority for the registration and enforcement of GI products. In addition to the protection of local products, the establishment of a dedicated GI legislative framework will encourage local communities to protect their products in the international level, paving the way for



Nigerian products to gain recognition and protection in the domestic level and the international market at large.

3. Nigeria must deploy the African Continental Free Trade Area as a strategic lever for accelerating GI development. The AfCFTA Protocol on Intellectual Property Rights, which was adopted in February 2023 aims to establish harmonized rules on the promotion, protection and enforcement of intellectual property across Africa. This will recognize GI as a form of intellectual property rights distinct to trademarks, passing-off. The ratification of the AfCFTA for Nigeria serves as both an obligation and an opportunity. The obligation would be to enact a domestic GI legislative framework, with the opportunity to negotiate. Nigeria's local products across 54 African partner states, thereby protecting the reputation of local products such as Ofada rice, Ijebu Garri and Kano Leather. Ultimately, Nigeria's position as Africa's largest economy lends it particular responsibility that a domestic GI regime will not only protect Nigeria's products, but also be an opportunity for origin-linked products to be commercially viable outside the continent at large.