

Protecting Ghana's *Kente* textiles against fakes: the case for geographical indication protection

Michelle Okyere and co-author Associate Professor Dr Janice Denoncourt recently published their article 'Protection of Intellectual Property Rights in Ghana's *Kente* Textiles: The Case for Geographical Indications' (12 February 2021) online. It is available as an advance publication in the peer-reviewed *Journal of Intellectual Property Law and Practice* (see [Protecting Ghana's intellectual property rights in kente textiles: the case for Geographical Indications | Journal of Intellectual Property Law & Practice | Oxford Academic \(oup.com\)](#))



Kente is the iconic national cloth of Ghana made by master weavers. It is an expression of folklore correlated to Ghana's cultural heritage dating back over 300 years. It comprises colourful, handwoven strips of fabric, combined by Ghanaian weavers among the Ashanti and Ewe ethnic groups and communities. Every design and colour has a distinct name and a meaning which is characteristic of the community in which it is produced.

Kente was originally associated with Ghanaian royalty who wore it toga-style to show affluence. Now its popularity has spread beyond Ghana as a modern fashion trend. Its increased popularity has led to fake *kente*-style lower quality textiles invading the market reducing the income of talented local weavers and artisans.



Photo credit: The Memory Lane Crew

Recently, Louis Vuitton 'outdoored' new and unconventional designs of *kente*, under the name Louis Vuitton *kente*. The development of modern *kente* fashion trends and creativity of the fashion industry is gradually eroding the culturally significant traditional value of the cloth which instils a sense of national pride in Ghanaians.

One solution involves geographical indication protection (GIs). Most readers will be familiar with European GIs such as Champagne and Parma ham. GIs are a relatively new global phenomenon, having spread from Europe to Asia-Pacific, the Americas and now Africa. Michelle and Janice's article forms part of a special GIs issue celebrating the importance of GI research.

The article presents the link between *kente* and the Ghanaian communities in which it is produced. It also critically analyses the misappropriation of the *kente* cloth by third parties. Further, it discusses the EU's contribution to the development of GI protection and the proposals to extend the protection of GIs beyond agricultural products in the EU, adding to the sparse literature on the GI protection of non-food products in Africa. Finally, the Ghanaian *kente* case study illustrates the importance of developing African nations such as Ghana embracing GIs as a legal instrument to promote economic development.

The new article is timely given the African Union and European Union have recently agreed a continental strategy for developing GIs in food and non-food products in Africa (AU-EU Continental Strategy). The authors provide a case study and preliminary analysis to show how Ghana's traditional *kente* could potentially be registered as a Ghanaian GI to initiate the journey toward international GI protection and support the Ghanaian textile and fashion industry.

Michelle is a qualified Ghanaian lawyer with leading Ghanaian law firm Bentsi-Enchill, Letsa and Ankomah (belonline.org) and Nottingham Law School alumna (LLM 2020), recipient of an NLS Outstanding Achievement Award.



Associate Professor Dr Janice Denoncourt leads Nottingham Law School's Intellectual Property Research Group, see [Intellectual Property Research Group | Nottingham Trent University](#).

On 7 May 2021, Michelle and Janice will participate in Nottingham Trent University's Global Cultural Heritage series event 'Protecting Africa's Cultural Heritage: The Case for Geographical Indication Protection'. Their guest speaker is WIPO's Professor Edward KwaKwa, Assistant Director General WIPO. Professor KwaKwa will speak on his work with the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC), the IGC process and IP Policy. A fellow, Ghanaian, Professor Kwaka provided Michelle with valuable guidance and support during her WIPO Library research visit in Geneva in 2019. To register for this free online webinar click here: [Protecting Africa's Cultural Heritage | Nottingham Trent University](#)

Michele Okyere and Associate Professor Dr Janice Denoncourt
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