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Geographical Indication: Protecting the Unique Flavour of the World

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ABSTRACT

In an increasingly globalized and homogenized world, the preservation of unique regional identities and traditions has become a paramount concern. Geographical Indication (GI) protection has emerged as a powerful mechanism for safeguarding the distinct flavors, qualities, and cultural heritage of products tied to specific geographic regions. This article delves into the multifaceted world of GIs, highlighting their pivotal role in upholding the exceptional characteristics and flavors that define products from particular areas. One of the key facets of GI protection is the economic advantage it offers to regions and producers. Products bearing a GI label often command a price premium, as consumers are willing to pay more for goods they perceive as authentic and of high quality, owing to their specific geographic origin. Moreover, GI protection can open up new markets and expand export opportunities, boosting economic development in regions known for their unique products. However, the world of GI protection is not without its challenges. Issues like misuse and imitation, enforcement difficulties, and the need to strike a balance between tradition and innovation pose ongoing dilemmas. Additionally, as globalization continues to shape trade dynamics, protecting GIs across borders has become a complex task, often resulting in trade disputes. Looking ahead, the future of GI protection appears promising. Digital technologies, particularly blockchain, are set to enhance enforcement by providing immutable records of product origins, bolstering customer confidence. GIs are also expanding into non-agricultural sectors, illustrating their dynamic nature and potential for cultural preservation and economic growth. Environmental sustainability considerations are increasingly coming to the forefront, further enhancing the appeal of GI products. Furthermore, efforts for global harmonization in a world characterized by international trade and globalization are on the horizon, aiming to streamline GI registration processes and improve cross-border enforcement mechanisms.

Keywords: *Geographical Indication (GI), Unique Flavor, Protection, Cultural Heritage, Global Harmonization.*

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I. INTRODUCTION

In today's world, where everything is produced and sold everywhere, protecting and preserving the special and unique properties of products from specific places has become increasingly important. Geographical Indication (GI) is a useful tool to protect distinctive products or goods from specific regions. Legal recognition links the quality, reputation, and characteristics of a product to a specific location. It acts as a physical sign that differentiates it from other products.

The idea of GI is more than just a brand. This includes cultural history, artistic craftsmanship and the special relationship between the product and its origin. This helps customers trust that the product comes from a specific location, has a long history, favorable weather conditions, and knowledgeable people.

This introduction provides the context for a detailed study of geographical indications. It examines its development over time, the laws surrounding it, its impact on the economy and its impact on producers, consumers and the preservation of global culture our diversity. Using the concept of GI, we embarked on a journey to discover how products from different places are not just something we buy but also have a lot of meaning and history behind them. They have special interests and their own history.

II. HISTORICAL EVOLUTION OF GEOGRAPHICAL INDICATION

The history of Geographical Indication (GI) is a very interesting story that goes through many years and places. The origins of GI protection can be linked to ancient human civilizations, but it has evolved into its current form over time. Here is a quick summary of how Geographical Indication has changed over time.

- a) **Ancient Origins:** Long ago, people started connecting products with certain places they came from. In the past, like in old Greece and Rome, wines were frequently marked with the name of the place they came from. This idea showed that where a product comes from affects its quality.
- b) **European Origins:** Europe is where the idea of protecting Geographical Indications (GIs) first came from. In the 1700s, France started making rules to keep the names and qualities of wines made in certain areas safe. The aim was to stop dishonest labeling and make sure that regional products were real.
- c) **Phylloxera Crisis:** The phylloxera pest caused a lot of damage to vineyards in Europe during the late 19th century. To get better, grape farmers in places like Bordeaux and Champagne had to work hard to make people trust them again. As a result, rules became

more strict and the first official ways to protect GI were created.

- d) **Paris Convention (1883):** The Paris Convention (1883) was an important international agreement that started the way for protecting GIs. It understood the importance of keeping industrial and intellectual property safe, like trademarks and origins.
- e) **TRIPS Agreement (1994):** The TRIPS Agreement, which is part of the WTO, created rules to protect GIs worldwide. The WTO made a rule that countries must protect GIs and created a system for dealing with disagreements about GIs.
- f) **Lisbon Agreement (1958) and Geneva Act (2015):** The Lisbon Agreement and Geneva Act are international agreements made by the World Intellectual Property Organization (WIPO) to protect the names and places that certain products come from. They create rules for registering and safeguarding GIs worldwide.
- g) **Expansion Outside Europe:** Although Europe was the first to introduce GI protection, this idea has now spread around the world. Countries from all around the world have made their own rules to protect special products such as wine, cheese, handicrafts, and textiles.
- h) **Non-Agricultural GIs:** In recent times, the protection of Geographical Indications (GIs) has started covering more than just agricultural products. Now it also has things that are not related to farming, such as handmade items, things made in factories, and even services.
- i) **Modern Challenges:** Today, there are new problems when it comes to protecting Geographic Indications (GI) due to the globalization of markets and the advancements in technology. Making sure that consumers can trust that GI-labeled products are real in a worldwide market is still a difficult problem.

The history of Geographical Indication shows that people have started to understand how important it is to protect the special qualities and cultural history of products from specific areas. Since a long time ago, rules to protect products from specific regions have changed to support the people who make them, the people who buy them, and the worldwide market.

III. WHAT IS GEOGRAPHICAL INDICATION?

Geographical Indication, also known as GI, is a type of legal protection that connects a product's special qualities, reputation, or characteristics to the place it comes from. Basically, it's like a stamp that proves to customers that they are purchasing a product that is closely linked to a specific location. GIs include many different types of things like food, crafts, and products made by industries.

A Geographical Indication (GI) is a way to protect and identify products that come from a specific place and have special qualities or reputation because of where they are made. Basically, GI is a certification that shows a product is from a specific place and has special characteristics because of that place.

Here are some key features of Geographical Indication:

- a. **Place of Origin:** The main purpose of GIs is to connect a product with a particular geographic region. Regions, cities, towns, or even smaller places may be included in this.
- b. **Unique Characteristics:** GIs are given to items with special attributes or features that are a direct result of the local environment, including things like climate, soil, geography, and conventional manufacturing techniques.
- c. **Reputation:** GIs frequently have a brand value or reputation tied to their country of origin. Products with GIs may be recognized and trusted by customers since they are seen to be genuine and of high quality.
- d. **Protection:** GIs are officially recognized as protected names. If a producer is not from the defined geographic area, they are not permitted to advertise their products under the same or a similar name. Producers within the designated geographic area have the sole right to use the GI label.
- e. **Product Categories:** GIs can apply to a wide range of goods, including services and industrial goods like textiles and ceramics as well as agricultural goods like wine, cheese, and coffee.
- f. **Consumer Confidence:** GIs provide customers the confidence that they are buying a genuine product from a certain area that is renowned for its excellence and heritage. It aids shoppers in making wise decisions.
- g. **Economic and Cultural Benefits:** By raising the perceived worth of regional goods on the market, GIs may help the economy of the area. Additionally, they support the preservation of rural livelihoods, cultural heritage, and conventional production techniques.

Examples of products with Geographical Indications include:

- a) **Champagne:** Sparkling wine produced in the Champagne region of France.
- b) **Parmigiano-Reggiano:** A type of cheese produced in specific regions of Italy
- c) **Darjeeling Tea:** Tea grown in the Darjeeling district of India.
- d) **Roquefort Cheese:** Blue cheese made in the caves of Roquefort-sur-Soulzon, France.

- e) **Scotch Whisky:** Whisky produced in Scotland, adhering to strict regulations.

Geographical Indication, in general, serves both producers and consumers while playing a significant role in safeguarding and promoting the history and distinctive characteristics of goods connected to certain geographic locations.

IV. LEGAL FRAMEWORK AND GI PROTECTION

A unique legislative framework that specifies the requirements for acquiring GI status, the registration procedure, and the rights and obligations of GI holders governs Geographical Indication (GI) protection in India. The Geographical Indications of Goods (Registration and Protection) Act, 1999, and its later revisions are the main pieces of law pertaining to GI protection in India. Here is a summary of India's legal system and GI protection:

- a) **The Geographical Indications of Goods (Registration and Protection) Act of 1999:**

This is the main piece of legislation in India that controls how GIs are protected. The Act offers the regulatory framework for the identification and defence of GIs. It creates the Geographical Indications Registry, which is in charge of keeping track of GIs and handling registration requests.

- b) **The requirements for GI registration:**

A product must fulfil several requirements in order to be granted GI protection in India, including:

- It must be made or processed within the boundaries of the application's designated region.
- It must have attributes, a reputation, or traits that are primarily attributed to its location of origin.
- It should be connected to a specific location.

- c) **Registration Methodology:** Application to the Geographical Indications Registry is required for registration. The application must contain details on the product, its features, and proof of its connection to the designated geographic area. The Geographical Indications Journal publishes the GI when it has been registered.

- d) **Holders' Rights:** The registered GI may only be used by GI holders in India to market their goods. They can stop others from using the same names or ones that are similar for goods that do not adhere to the GI standards. This exclusivity aids in shielding customers from deceptive or fake goods.

- e) **Enforcement:** To guarantee that the rights of GI holders are safeguarded, there are legal procedures and enforcement organisations in existence. Holders of GIs have the right to file lawsuits against people or companies who abuse their rights or make fictitious claims about the origin of their goods.
- f) **Duration and Renewal:** In India, GI protection is originally given for 10 years and may be renewed endlessly for further periods of ten years each, providing that the GI holder continues to comply with the standards.
- g) **Authorized Users:** The Act also permits the registration of organisations that can use the GI on behalf of their members, such as producer associations.
- h) **Penalties for Misuse:** The Act specifies fines and penalties for using a registered GI improperly.
- i) **International Protection:** India is a party to the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), which establishes guidelines for GI protection on a global scale. As a result, India is required under the TRIPS Agreement to offer GIs protection.

India has a thorough legal system in place to safeguard geographical indications, guaranteeing the preservation of the identity and legacy of goods intimately associated with certain geographic locations. By preserving the integrity and calibre of these items, this protection helps both producers and consumers.

V. ECONOMIC IMPACT OF GI

Geographical Indications (GIs) can have substantial economic benefits for both the regions associated with them and the producers of GI-labeled goods. These advantages include:

- a) **Price Premium:** GI-labeled products often command higher prices due to their perceived authenticity and quality, boosting revenue for producers and the region's economy.
- b) **Market Access:** GI protection can open doors to new markets, as consumers are more inclined to buy products with GI labels, leading to increased exports and market opportunities.
- c) **Tourism:** GIs can attract tourists interested in experiencing the unique offerings of a region, contributing to the local economy through hospitality and related businesses.
- d) **Rural Employment:** Many GI products are made in rural areas, supporting job creation and preventing rural-to-urban migration.

- e) **Sustainable Agriculture:** GI protection encourages sustainable farming practices, as producers have a vested interest in preserving the local environment.
- f) **Maintenance of Tradition:** GIs help preserve traditional manufacturing methods, safeguarding cultural and historical heritage.
- g) **Collective Action:** GI preservation fosters cooperation among farmers, leading to improved infrastructure, economies of scale, and negotiation power.
- h) **Value Addition:** GI designation enhances the value of agricultural and raw goods from the region.
- i) **Diversification of Income:** GI protection encourages producers to diversify their product lines, reducing financial risks associated with reliance on a single product.
- j) **Regional Development:** Overall, GIs contribute to the economic growth, cultural preservation, and local identity of specific geographic areas.

The economic impact of GIs can vary depending on the product, the GI's reputation, and marketing efforts. Nonetheless, GIs are a valuable tool for regions looking to leverage their unique traditions and products for economic development.

VI. CHALLENGES AND CONTROVERSIES

Geographical Indication (GI) protection faces several challenges and controversies, including:

- a) **Misuse and Imitation:** Unauthorized use of GI labels outside the designated region can deceive consumers and harm genuine GI products.
- b) **Enforcement:** Enforcing GI protection can be expensive, and smaller producers may lack the resources to combat infringement effectively.
- c) **Criteria Interpretation:** Determining whether a product meets GI requirements can be subjective, leading to disagreements on defining specific traits or attributes.
- d) **Tradition vs. Innovation:** Balancing the preservation of traditional methods with the need for innovation can be challenging.
- e) **Globalization:** Protecting GIs across borders in a globalized economy can lead to trade disputes with similar products from other regions.
- f) **Bureaucratic Procedures:** Registering GIs can be time-consuming, discouraging smaller producers from seeking protection.
- g) **Resource Disparities:** Larger producers may have more resources, creating an uneven

playing field.

- h) Consumer Education:** Ensuring consumers understand GI labels and can differentiate genuine from counterfeit products requires educational campaigns.
- i) Standards Consistency:** Maintaining quality standards for GI products, especially with multiple producers involved, can be challenging.
- j) Geographic Changes:** Environmental factors can evolve, affecting the characteristics of GI products.
- k) Cultural Conflicts:** Disputes within communities may arise over who can use the GI label.
- l) Lack of Knowledge:** Some producers may be unaware of GI frameworks and their benefits.

Addressing these challenges requires effective legislation, robust enforcement, education efforts, and collaboration among stakeholders, including producers, governments, and consumers. GIs play a crucial role in safeguarding cultural heritage and promoting high-quality products, and resolving these issues is essential for their continued success.

VII. CASE STUDIES

Certainly, here are a few notable case laws related to Geographical Indication (GI) and trademark protection of GIs from different countries:

1. *Champagne Case*³:

- a) Jurisdiction:** European Union
- b) Summary:** This case involved a dispute over the use of the term "Champagner Sorbet" by a German company to describe an ice cream product containing Champagne. The Court of Justice of the European Union (CJEU) ruled that using the term "Champagner" for such a product could mislead consumers and violate the GI protection for Champagne.

2. *Darjeeling Tea Case - Tata Tea vs. Darjeeling Tea Association*⁴:

- a) Jurisdiction:** India
- b) Summary:** Tata Tea, a major Indian tea producer, faced legal action from the Darjeeling Tea Association for allegedly using the term "Darjeeling" on a

³ C-4/10

⁴ CS No. 250 of 2010

brand of tea bags. The case highlighted the need to protect the GI status of Darjeeling Tea. The court ruled in favor of the Darjeeling Tea Association, emphasizing the importance of protecting GIs.

3. Feta Cheese Case⁵ :

- a) Jurisdiction: European Union
- b) Summary: This case concerned the protection of the name "Feta" for cheese products. Greek producers argued that "Feta" should be reserved exclusively for cheese produced in Greece, while Danish and German producers challenged this restriction. The CJEU ruled that "Feta" could only be used for cheese made in specific regions of Greece, upholding GI protection.

4. Roquefort Case⁶

- a) Jurisdiction: European Union
- b) Summary: In this case, the term "Roquefort" was contested for use on cheese products. The CJEU held that "Roquefort" was a protected GI, and only cheese produced in the designated Roquefort region of France could use the term.

5. Tequila Case⁷ - Certification Mark for "Tequila" in the United States:

- a) Jurisdiction: United States
- b) Summary: This case involved the protection of the term "Tequila" as a certification mark in the United States. The Tequila Regulatory Council in Mexico sought to protect the name "Tequila" as a GI. The case emphasized the need for international recognition and protection of GIs.

These cases illustrate the legal battles and important decisions surrounding the protection of GIs and the prevention of misleading or unauthorized use of geographical names associated with specific products. They underscore the significance of GI protection in preserving the authenticity and reputation of products linked to their places of origin.

VIII. CONCLUSION

A crucial part in preserving and promoting the distinctive flavours of the world is played by the dynamic and ever-evolving idea of geographic indication. This study emphasises its importance

⁵ C-465/02

⁶ (C-87/97)

⁷ 1996

in preserving cultural legacy, promoting economic growth, and guaranteeing customers' access to genuine, high-quality goods. It urges continuous work to solve the problems brought on by a globally networked society while enhancing GI protection. In conclusion, Geographical Indication (GI) protection is a crucial and dynamic framework for safeguarding the veracity, tradition, and distinction of goods associated with certain geographical areas. As we've discussed, GIs provide a number of advantages, including preserving traditional practises, promoting economic progress, and fostering customer confidence in product quality and provenance. A rising understanding of the need of conserving the identity and cultural legacy connected to goods from certain areas is shown in the historical development of GIs. Global GI protection is becoming even more crucial as a result of international accords like the TRIPS Agreement and the Lisbon Agreement. However, there are issues and conflicts surrounding this protection. Issues like misappropriation and plagiarism, problems with enforcement, and striking a balance between tradition and innovation continue. However, these issues may be resolved with the help of efficient legal systems, global collaboration, and education.

Looking ahead, a number of developments and opportunities look set to reshape the GI protection industry. The future of GIs looks bright because of the digital age, the spread of GIs into non-agricultural areas, sustainability issues, and the worldwide harmonization of GI protection. GIs serve as a monument to the complex tapestry of cultures and places that make up our global society in a world where customers appreciate authenticity, heritage, and quality more and more. These designations make sure that the tastes, customs, and tales connected to goods from particular locations are still appreciated, maintained, and shared. As a result, Geographical Indication continues to be an important tool for both producers and consumers, helping to preserve our world's diversity and interconnectedness.

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