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Role and Impact of Geographical Indication Laws in India

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ABSTRACT

Geographical Indications (GI) of goods are a definite kind of validation given in the form of certificates to goods that possess characteristics and reputation derived solely from their place of origin. India is a country where culture and tradition are deeply ingrained in the lives of the masses. GIs have an immense role in protecting traditional knowledge, acknowledging creators' rights, laying out legal protection, and stopping breaches of those legal rights. In India, the local communities are the primary beneficiaries, and they are the central figures who contribute to producing and delivering the GI-tagged goods to the consumers. However, the primary purpose of GI registrations has not been achieved completely. The provisions have not been successful in upholding the rights and interests of the rural community, who are the real producers, to the maximum extent. The author aims to explore how far the laws have provided protection to the GI products and the GI owners. To that end, an endeavor has been made by the author to study whether the implementation system is adequately effective or not. This paper contains case studies on some lesser-known as well as a few well-known GI tagged items, so that a clear picture of the existing scenario can be portrayed. The author has tried to point out the drawbacks and roadblocks in the system, and finally, a few suggestions have been made for bringing positive changes in the system.

Keywords: *Geographical indications, traditional knowledge, rural community, implementation.*

I. INTRODUCTION

GI (Geographical Indications) denotes a sign or a symbol that is applied to products having a distinct geographical origin and possessing quality or reputation only because of that origin. The term originates from the law of appellations of origin.² For acquiring a GI, it must be proven beyond doubt that there lies a direct connection between the features of the product and its area of origin. GI is one important Intellectual Property Right (IPR) and is recognized under Articles 1(2) and 10 of the Paris Convention for the Protection of Industrial Property³ as well as under

¹ Author is a Research Scholar at Department of Law, University of Calcutta, Kolkata, India.

² C. Hurst and Company, CETA and the Future of Geographical Indications Protection in Canada (2017).

³ The Paris Convention for the Protection of Industrial Property, 1883.

Articles 22 to 24 of the TRIPS Agreement⁴. James Boyle offered a metaphor called “cultural environmentalism”. It meant acknowledging and protecting cultural resources and traditional knowledge in a developing world.⁵ Geographical indications increase the value of products that are produced even in smaller quantities and come within the ambit of small and micro industries existing in the rural communities⁶.

India provides legal protection to GIs under the Geographical Indications of Goods (Registration and Protection) Act, 1999⁷, hereinafter referred to as the GI Act, and the Geographical Indications of Goods (Registration and Protection) Rules, 2002, hereinafter referred to as the GI Rules. The ultimate purpose of GIs is to afford economic and cultural prosperity to the local artisans and producers who are actually involved in the production and manufacturing processes of the GI-tagged items. However, the application of the laws in India has not yielded desired results, and it faces significant challenges.

II. THE LEGISLATIVE STRUCTURE FOR THE PROTECTION OF GEOGRAPHICAL

A. Indications of Goods in India

The basic role of GI is to establish a significant connection between the characteristics, reputation, and quality of a product with its place of origin. GIs cover a wide array of items, which include manufactured, agricultural, handicraft, and natural goods. It can be food and beverage products as well. The foremost purpose of providing GI protection is to uphold traditional skills and knowledge so that the local communities can earn benefits out of their expertise and labor. Another important purpose is to stop the passing off of fake items as the original products. Adequate legal implementation of GI laws is required to check instances of misappropriation. India is a land rich in cultural and traditional wisdom, and its commercial potential, if exploited properly, will be surprisingly high. GI is one major kind of intellectual property right (IPR), and as of 6th May 2025, India has recorded a total of 658 GI registrations. The reasons behind bringing out of the GI Act were manifold that including numerous cultural, social, political, and economic factors. Protecting the cultural heritage of a geographical area is the primary objective of India’s legal structure of GI.⁸

The desired objective of GI laws has been to make sure that artisanship and traditional

⁴ Agreement on Trade-Related Aspects of Intellectual Property Rights, 1994.

⁵ Madhavi Sunder, “The Invention of Traditional Knowledge” 70(2) *Law and Contemporary Problems* 100 (2007).

⁶ Marsha A. Echols, “Geographical Indications for Foods, Trips and the Doha Development Agenda” 47 *Journal of African Law* 204 (2003).

⁷ The Geographical Indications of Goods (Registration and Protection) Act, 1999 (Act. 48 of 1999).

⁸ E. Kneller, “EU-Australia FTA: Challenges and potential points of convergence for negotiations in geographical indications”, 23(3-4) *The Journal of World Intellectual Property* 546-578 (2020).

proficiency invested in producing unique place-based goods like Banarasi Silk, Darjeeling Tea, Basmati Rice, Muga Silk, etc, are not wasted.⁹ Preserving and recognizing GIs also supports the economic profitability of the producers. The reason is that GIs allow a competitive edge by enabling producers to frame a premium price band for their exclusive products. Consumers are also assured of the originality and quality of the given products. Such a guarantee would result in higher exports and more foreign exchange revenues for the country. Place-based and unique items are mostly produced in the rural areas, which are economically backwards. GI laws are anticipated to uplift the growth of these regions by providing support to the local artisans by creating employment opportunities, and upgrading their work infrastructure. The GI laws in India are in line with the TRIPS Agreement. Aligning domestic legislation with international agreements has the potential to boost the marketability of the GI-tagged goods in the global markets. GIs hold a prominent place in international trade as they expand the competitiveness and market value of the products. Moreover, GI protection helps to promote traditional and local items by preventing any unauthorized use of the products.

The definition of GI in Section 2(1)(e) of the GI Act provides that names and symbols of products that do not contain geographical names, like ‘Basmati rice,’¹⁰ can be protected as a GI. A GI tag is mainly a place-based nomenclature that represents the attributes of the item, which are derived solely from its place of origin. It may be an appellation of origin or an indication of source or both.

As per Section 8 of the GI Act, registration of a GI is to be done for the list and category of goods provided by the Registrar.¹¹ The Registrar has the power to categorize potential goods as per the international standard, and he can publish the list in alphabetical order after classifying the types of goods. An application for geographical indications of goods may be made by any person or association of persons or an authority established by or under any law that represents the interests of the producers of the given goods. Such authorities are called registered proprietors. A producer or manufacturer of a place-based and exclusive item may make an application for registration along with the registered proprietor of a certain GI. Such a producer or manufacturer will be known as an authorized user.¹²

⁹ A. Zappalaglio, “The Law of Geographical Indications at the centre of the European Green Deal”, 18(8) *Journal of Intellectual Property Law & Practice* 557 (2023).

¹⁰ S. C. Srivastava, “Geographical indications and legal framework in India”, 38 *Economic and Political Weekly* 4022, 4028 (2003).

¹¹ S.J.Mwakaje, “Protection of geographical indications and cross-border trade: A survey of legal and regulatory frameworks in East Africa”, 25 (11) *The Journal of World Intellectual Property* 31-44 (2021).

¹² M. Shafi, “Geographical indications and sustainable development of handicraft communities in developing countries”, 25 (1) *The Journal of World Intellectual Property* 122-141 (2022).

The purpose of the GI Act is only to ensure protection for the name of a GI product and its origin.¹³ According to Section 21 of the GI Act, the exclusive right to use any GI-accredited product is enshrined upon the authorized user, and he enjoys the right to bring infringement actions against any unauthorized use of his registered GI. But the GI Act lacks a proper implementation system of the rights provided in it.¹⁴

B. Difficulties of effective implementation of the GI Act

The GI Act suffers from numerous structural lacunae. The drawbacks may be described as follows: The GI Act accords protection to only the goods but not the technology employed or the techniques used in producing the ultimate product. The objective of the law has been to preserve and safeguard the registered GI-tagged goods. However, the Act is limited in scope with respect to the complete realization of this objective.¹⁵

The purpose of protecting the GI of goods and the production techniques is to preserve and acknowledge the novelty of a particular item. But the possibility of production of replica items using “not-so-protected technique” is quite high, and the implementation system does not sufficiently provide for curbing such mala fide practices.¹⁶ The Act does not provide adequate remedies for such malpractices, and this ultimately has a negative impact on the interests of the local producers.

Again, the limited scope of the Act has resulted in creating avenues to a host of cheap and fake variants of the original goods for entering the market.

Many GI-accredited goods are associated with organizations that are not financially affluent to pursue actions for remedy in law courts, both in India and abroad.¹⁷

Government support is of utmost relevance for affording complete protection against acts of infringement. The Act has limited or no provision that mandates government intervention in cases of infringement and other kinds of mala fide actions.¹⁸

Provisions regarding appeals are provided in Part VII of the Act and are contained in Sections

¹³ Medeiros Mirna de L & Passador João L, “Examining the development attributed to geographical indications”, 25 (1) *The Journal of World Intellectual Property* 86-105 (2022).

¹⁴ T.Adebola, “The legal construction of geographical indications in Africa”, 26 (1) *The Journal of World Intellectual Property* 3 (2023).

¹⁵ R.Ferrao, “Taking measures without measurements: Abolition of Intellectual Property Rights Appellate Board”, 61 *Indian Journal of International Law* 84, 92 (2023).

¹⁶ *Tea Board v ITC Limited*, GA No. 3137 of 2010 CS No. 250 of 2010.

¹⁷ A. Basole, “Authenticity, Innovation, and the Geographical Indication in an Artisanal Industry: The Case of the Banarasi Sari”, 18 *Journal of World Intellectual Property* 127 (2015).

¹⁸ E.W.Oke, “Rethinking Nigerian Geographical Indications Law”, 25 (3) *The Journal of World Intellectual Property* 746 (2022).

31 to 36. However, by the Tribunals Reforms Act, 2021¹⁹, many Tribunals, like India's Intellectual Property Appellate Board (IPAB), have been discontinued.²⁰ After the abolition of the IPAB, the commercial courts and the High Courts were given jurisdiction to hear disputes regarding GI. But the enforcement structure deteriorated further, and the majority of the disputes have remained unresolved and are added to the list of backlog cases. As of October 2020, just six GI cases were heard by the High Courts and the Supreme Court.²¹

The fundamental barrier in the GI registration procedure lies in the fact that the GI-accredited items do not receive the total benefits of the market potential and recognition.

One more challenge in the path of full realization of the purpose is the absence of a proper post-registration mechanism. An effective protection and preservation system is necessary at both domestic and global levels, along with advanced marketing strategies for countering the existing drawbacks of the system. The role played by "registered proprietor" is a dubious issue in the context of the registration of a product as a GI in India. A group of persons or organizations created under the law that upholds the interests of producers and manufacturers has the eligibility to apply for registration of a mark as GI under Section 11 of the GI Act. But the Act is silent on the standard of proof that has to be furnished for upholding the interests of the producers and manufacturers. There are many non-governmental organizations (NGOs) that have registered GIs, but they do not have any network that can register the local producers and workers as authorized users. Commenting on this feature of the Act, Basole said that the Indian GI structure ignores the contribution of the traditional artisans and workmen, whose interests are actually required to be protected by the Act.²² The concept behind drafting the legislation was to introduce the role of "registered proprietor" so that the poor craftsmen, who are deprived of adequate financial support and infrastructural resources, get a platform for registration of their work and become acknowledged as an "authorized user".

But it should be noticed that over the years, the GI Act has become a device for monopolizing the advantages of GI by limiting access. Academicians have argued that the GI Act and the GI Rules do not provide any definite measure that confirms whether it is the proprietor or the producer that actually represents the rights of the producers. But this difficulty does not always

¹⁹ The Tribunals Reforms Act, 2021 (Act 33 of 2021).

²⁰ S.Syed, "Incorporation of competition-related TRIPS flexibilities in the Domestic Law: A case study of India", 23 (1-2) *The Journal of World Intellectual Property* 20 (2020).

²¹ B.Calabrese, "Geographical Indications used as Ingredients or Components: A Proposed Reform in 'Sharp' Contrast with the Circular Economy (to say the least)", 18 (5) *Journal of Intellectual Property Law & Practice* 339 (2023).

²² A. Basole, "Authenticity, Innovation, and the Geographical Indication in an Artisanal Industry: The Case of the Banarasi Sari", 18 *Journal of World Intellectual Property* 127 (2015).

affect the producers, as most of the time they remain unaware of their assured rights. The producers, who lack sufficient resources, are not always in a position to object to any unlawful application for registration. If unauthorized registrations are not checked, the genuine and authorized users would find it difficult to operate effectively. For curbing attempts and instances of unauthorized registrations, the right approach would be to place mandatory requirements upon the applicants for furnishing substantial proof. They have to satisfy that any proposed registration would adequately benefit the actual beneficiaries of the product.

Once a producer or an association is sanctioned the right to use a GI mark, they should ensure that the quality of the item concerned is according to the promised standard. But quality control measures are often compromised due to profit profit-earning tendencies of the producers. Unlike any other IPR, a GI upholds collective rights. Thus, it becomes exigent that no one compromises with the quality or standard of an item that has a distinct place of origin and special reputation. Compromising with the quality would result in damaging the commercial interests of the producers concerned.

Again, consumers usually have to pay more for a GI-tagged product because they are assured a special quality and reputation of the item. It would be prejudicial to the interests of the consumers if they are not delivered the promised quality of a given product.

Quality control systems can be of two kinds. It can either be a government-sponsored scheme or a self-imposed system.

If a self-imposed quality management system fails, a government-controlled quality management system has to be put into place. For instance, India faced a pressing issue in the early years of the 2000s when the inferior quality of rice under the GI tag Basmati was being exported. Thereafter, the Export of Basmati Rice (Quality Control and Inspection) Rules, 2003 were brought into effect for dealing with the unscrupulous practices of dishonest traders. These rules set out a mandatory requirement that exporters had to show proper quality control certificates, and the authorities were given the power to inspect all operations of traders and exporters of the exotic Basmati Rice.

But one typical problem with a quality control system is that it limits the creativity of the producers.²³ The Indian legal framework on GI provides that the registered proprietor has the power to alter or add a mark registered as GI if necessary for the purpose of quality management. The Registrar is given the power to pass the final order on whether such a change of the GI

²³ C.Y.Wong, M.Elbegsaikhan, "Geographical Indications in Development Contexts: Function, Supply Chain And Pursuit of Rural Industrial Development", 23 (5-6) *The Journal of World Intellectual Property*, 712 (2020)

mark should be allowed or denied. This power given to the Registrar has to be exercised as per the provisions contained in Section 29 of the GI Act. Except for rare occasions, the discretion of the Registrar is expected to be exercised only for improving the quality of the mark and the product.

Another major roadblock in the implementation of the GI laws is the absence of fundamental awareness among the consumers and even the producers about the assured rights provided under the GI Act and Rules.²⁴

Most of the producers in the rural areas do not know about the rights and benefits of GI registration. The resultant effect of a lack of awareness is insufficient realization of the GI protection system. Moreover, the process of registration of GI is excessively lengthy and complicated.²⁵ But of late, a few new applications for registration have been expeditiously dealt with. The cumbersome process involving documentation, verification, and finally all other miscellaneous legal formalities often discourages the small producers who have very limited resources. Such small producers do not have enough resources to seek GI protection. Thus, the process of complete implementation of the GI benefits suffers from many complications and challenges.

The government authorities that are responsible for regulating and providing protection to GIs do not have the required infrastructure and resources.²⁶ This results in misappropriation of existing GI tags and also production of knockoff variants of the original items.

The Indian laws on GI are in line with international instruments. Still, acquiring protection in the international market remains highly challenging for the Indian GI-tagged products. GI products like the Basmati Rice have gone through numerous turbulences in foreign lands with respect to the product features and land boundaries. Promotion of GI-accredited items is crucial both nationally and internationally. It is essential to capitalize on the economic potential of protecting GIs. But branding, spreading awareness, and marketing of items are equally important. Sadly, India is way backward in this respect. Equitable sharing of benefits among the producers in a given geographical location remains highly essential.²⁷ Rights and benefits should be availed by every stakeholder. The small-scale producers and the marginalized traders

²⁴ D.Marie-Vivien, "The Role of the State in the protection of Geographical Indications: From disengagement in France/Europe to significant involvement in India", 13 (2) *The Journal of World Intellectual Property* 121 (2010).

²⁵ K. Das, "Prospects and Challenges of Geographical Indications in India", 13 (2) *The Journal of World Intellectual Property* 148 (2010).

²⁶ K.Das, Centre for WTO Studies, "Socio-Economic Implications of Protecting Geographical Indications in India", (2009).

²⁷ D. Rangnekar, S. Kumar, "Another Look at Basmati: Genericity and the Problems of a Transborder Geographical Indication", 13 (2) *The Journal of World Intellectual Property* 202 (2010).

should not be deprived of the available benefits.

III. CHALLENGES TO BE OVERCOME BY CERTAIN INDIAN GIS:

Darjeeling Tea

Darjeeling Tea is a celebrated GI in India. It is often known as the ‘Champagne of teas’. In spite of the registration, the beneficiaries of the GI label often fall prey to acts of exploitation and misappropriation. It has been alleged that exporters unashamedly maneuver the Darjeeling logo to capitalize on it as a tool of intimidation. They try to intimidate suppliers as well as consumers into buying products that are not really Darjeeling Tea but bear the logo.²⁸ India has failed to promote the Darjeeling Tea logo like that of Colombian Coffee. It has not been possible to provide complete protection to the product so that it can find wider avenues and scope in foreign and domestic markets. While addressing the issue of counterfeiting of the product, Anshuman Kanoria, chairman of the Indian Tea Exporters’ Association, stated that the total yield of Darjeeling Tea stood at 8.5 million kg in 2023. But nearly 50 million kg of the tea was sold globally during the same time. This data lays bare a massive contravention of the provisions of the GI Act. Still, very little initiative has been taken by the given authorities to impose the requisite regulations for building a framework that can properly verify and substantiate the trading of original Darjeeling Tea both domestically and across the globe. The enforcement mechanism for GI rights suffers from several challenges because of scarce resources and existing problems regarding the surveillance of international markets. It is tremendously cumbersome to put in place a system that can stop possible instances of breaches.

The “Darjeeling Tea” logo is owned by the Tea Board of India, and it operates under the aegis of the Ministry of Commerce and Industry, Government of India. The Tea Board had got the DARJEELING logo registered in 1986 in the USA, the UK, Japan, Canada, Egypt, and, according to the Madrid Agreement²⁹, across Austria, Germany, France, Spain, Italy, Portugal, Switzerland, and erstwhile Yugoslavia.³⁰ Without support or legal backing from the government, the Tea Board has proven to be unable to preserve its GI logo.³¹ It is crucial to remember that once a GI registration is obtained, it should be preserved properly. To that end, continuous supervision is necessary so that counterfeit items are not passed off as the original

²⁸ D.Giovannucci, *et. al*, “Defining and marketing “Local” Foods: Geographical Indications for US Products”, 13 (2) *The Journal of World Intellectual Property* 94 (2010).

²⁹ *The Madrid Agreement for the Repression of False Indications of Origin*, 1891.

³⁰ C.Niranjan Rao, “Geographical Indications in Indian Context: A Case Study of Darjeeling Tea”, 40 *Economic and Political Weekly* 4545-4550 (2005).

³¹ S.Bowen, “Development from within? The Potential For Geographical Indications in the Global South”, 13 (2) *The Journal of World Intellectual Property*, 231 (2010).

ones.³² It has been observed over time that the Tea Board of India³³ has not been able to implement the core purpose of the GI Act. More effective initiative is desired on the part of the Tea Board for achieving the objectives so that the potential commercial aspects of GI are not eluded from the local community who spend their lifetimes producing the exclusive GI-tagged items.

Basmati Rice

Basmati Rice is well known for its distinct aroma and beautiful long grains. It is grown in the hilly regions of the sub-Himalayas and also in areas of Pakistan and Nepal. The Basmati Rice is a GI owned by India. However, India has been battling legal issues with Pakistan and Nepal, as the rice is cultivated in those countries as well. The root cause of such a dispute has been an ambiguous legal drafting for the protection of the product. The primary difficulty has been about the preservation and marketing of Basmati Rice as an exclusive item grown only in India. Nepal became the earliest Least Developed Country (LDC) joining the World Trade Organization (WTO), and it came under media notice at the end of the year 2020 because it took a stand against India's ownership of the GI tag for the Basmati rice in the European Union (EU). Both India and Pakistan had wished to put forward a joint application for registration of Basmati Rice as a GI in the EU. However, the political issues between the two countries had hindered such an application for registration. Thereafter, India individually applied for a GI registration of the Basmati Rice in the EU. This application was made only after its registration in India. This led to Pakistan objecting to India's application.

Nepal's opposition to India's application was on the basis of the quality of the grain and its reputation.³⁴ Nepal's opposition sparked debates on the necessity of strengthening the IPR legislation of India and also the requirement of protecting the domestically produced place-based and exclusive items with an appropriate national identity. But the Nepalese opinion on the Basmati Rice debate was rejected in the debates and discussions.³⁵ Total resolution of the matters is highly important for the purpose of protecting the GIs of India. The issue of cross-border resolution of disputes regarding the GI Act was voiced again. It should be remembered that Basmati Rice grown in the regions of Punjab, Delhi, Uttarakhand, Himachal Pradesh, Haryana, Jammu & Kashmir, and parts of the Western regions of Uttar Pradesh were given the

³² P.N.Upreti, "The Battle For Geographical Indication Protection of Basmati Rice: A View From Nepal", 54 *IIC*, 710–731 (2023).

³³ Kireeva, B. O'Connor, "Geographical Indications and the TRIPS Agreement: What Protection is Provided to Geographical Indications in WTO Members?" 13 (2) *The Journal of World Intellectual Property*, 275 (2010).

³⁴ *Madhya Kshetra Basmati Growers Association Samiti v. Intellectual Property Appellate Board, Chennai*, Petition(s) for Special Leave to Appeal (C) No (s). 8461 of 2020.

³⁵ *Id.*

GI registration in the month of May 2010.

The GI Act in Section 8(1) contains a provision regarding registering GIs for certain products and regions. It provides that a registration “may” be allowed for a “definite territory of a country, or a region or locality in that territory, as the case may be”. The expressions “may” and “a definite territory” give rise to confusion, and the matter remains hanging according to the Registrar’s discretion as to whether a GI should be granted to a single place or many places for a certain product. The question of whether more than one state should be allowed to obtain registration for one single item at a given time continues to remain a great confusion. Thus, cases like the Basmati Rice issue may come up again and again.

Madur Kathi

Madur Kathi is a reed grown and produced in some districts of West Bengal, India. At present, it is registered as a GI tag under the category of handicraft products. It can also be classified as an agricultural product. But madur kathi is mainly used for making mats, and that is why it has been brought under the group of handicraft items. The skill and know-how of cultivation and manufacturing of madur kathi has been passed on as a tradition through several generations over a long period. However, if Madur Kathi got the GI accreditation of an agricultural item, it would be possible for the farmers of West Bengal who cultivated the reed to get improved access in the markets of many states across the country.³⁶ It would even be possible for them to reach the weaving fraternities of numerous states as well as other countries.

The ownership interests and rights derived from this natural produce and its by-products can be accorded adequate protection by providing proper GI recognition. Such GI protections would support rural commercial growth by allowing better market access to the producers.³⁷

Lastly, it is worth mentioning that the madur kathi manufacturers would benefit from many Government initiatives if the product is categorized as an agricultural item. Moreover, they could easily seek financial aid from banks and non-governmental organizations. The registered owners should have conducted thorough research before classifying the item as a handicraft item. Registering Madur Kathi as a handicraft item has deprived the rural farmers of completely reaping the benefits available from a registered GI tag.

Alphonso Mangoes

Alphonso Mangoes are grown in the Konkan region in the Western Ghats of India. The fruit was given GI recognition in the year 2018. The mango is very popular among consumers, and

³⁶ N.Gupta, V.Joshi, “Trends in GI sector: An analysis”, 143 *IPR Amicus* 3-11(2023).

³⁷ Parliamentary Standing Committee on Commerce, “161st Report” (2021).

they are even in a position to pay a good price for it. But the absence of any uniform marketing strategy or any good branding formula has damaged the international accreditation of the Alphonso Mango. The local farmers in the Konkan region are even affected by the practices of adulteration of the fruit with less costly and cheaper variants of the fruit.³⁸ The GI tag of the product has failed to provide a sufficient guarantee of authenticity to the produce. At the beginning, the mango growers were content with the GI tag because it fetched them higher prices and assured them a sense of protection. But the menace of adulteration of the produce continued, and the GI became somewhat meaningless. According to their application, Alphonso producers had to register with any of the four listed organizations, which were named as registered owners of the tag, if they wished to trade the fruit under the name Alphonso or Hapus. But due to existing lacunae in the system and a lack of awareness among the producers, proper compliance with the directives is often neglected.³⁹

The main objective of a GI tag is to preserve the product and ensure legal protection for the farmers. But numerous domestic and even foreign variants of the mango are being brought into the market chain as Hapus due to improper implementation of quality management systems. Farmers have been urging for better actions for awakening consumer consciousness about the item, and they have also been pressing for enforcing proper quality standards.⁴⁰ Effective promotion regarding the origin and quality of the mango can improve export and raise its demand among potential consumers.

Nakshi Katha

It is a quilt having intricate embroidered designs. It is handcrafted in West Bengal, and it has been listed as the fourth GI tag from the state. The heritage of Nakshi Katha goes back to the times when women from the villages in West Bengal practiced needlework out of daily requirements and not for the sake of making artworks. But during the later periods of the colonial rule, Nakshi Katha started receiving recognition as an exclusive product from Bengal. Its value grew again during the mid-2000s.⁴¹ It can be stated to be a symbol of transformation, having the power to convert poverty into ample possibilities of prosperity and fertility.⁴² It was

³⁸ M.H.Ali, "The Protection of Geographical Indications in Pakistan: Implementation of the TRIPS Agreement", 14(6) *The Journal of World Intellectual Property* 467 (2011).

³⁹ X.Song, "The role played by the regime of collective and certification marks in the protection of geographical indications—Comparative study of law and practice in France, the EU and China", 21 (3-4) *The Journal of World Intellectual Property* 437 (2018).

⁴⁰ A.Lawal-Arowolo, "Geographical indications and cultural artworks in Nigeria: A cue from other jurisdictions", 22 (5-6) *The Journal of World Intellectual Property* 364 (2019).

⁴¹ J.Ghosh, "Geographical Indication as a Tool for Sustainable Society: A Policy Analysis of India", 8(2) *Journal of Intellectual Property Studies* 12 (2024).

⁴² Lisa S. Banu, "Defining the Design Deficit in Bangladesh", 22(4) *Journal of Design History* 309-323 (2009).

registered as a GI in the year 2008. But the artisans making this art form have rarely experienced any benefit from this recognition. The GI for Nakshi Katha was obtained by a body having its base in New Delhi. The regional disconnect between the actual producers and their registered owner has resulted in a lesser achievement of the main purpose of the GI. The artisans belonging to the local community are mostly deprived of the fruits of their skill and labor.

The registered owner of the craft is neither the actual producer nor does it represent the actual producers. This is the primary factor that prevents proper financial returns to the authorized users, i.e., the rural producers of the GI product. Again, the registered owner has proven to be uninterested in supervising and checking instances of misappropriation of the GI. Counterfeit items are produced in bulk and are sold as the original ones. This unethical practice has resulted in massive damage to the genuine producers as well as the authorized users of the original item.

IV. CONCLUSION

The GI regulations in India are apparently enough to secure tradition and provide impetus to village economies. It can also financially support the producers. But to that end, an effective legal framework and sufficient implementation are equally essential. Absence of awareness among the rural communities, cumbersome procedures, lack of proper enforcement, a dearth of global acknowledgement, insufficient marketing, and unequal profit sharing are some major factors that hamper the success of GI laws in India. Overcoming these hurdles remains a challenge for India. For preserving the exclusive and unique items, India has to adopt a system that promotes sustainable financial success and supports the international reputation of the items in terms of originality and quality.

A few suggestions have been made by the author for strengthening the GI regulation system in India:

- 1) Provisions contained in Sections 11 and 17 of the GI Act should be amended to the effect that registered owners are a cooperative or group of actual manufacturers of the intended product. Legal assistance in relevant matters should be provided by designated IPR bodies formed under the guidance of establishments like the Department for Promotion of Industry and Internal Trade (DPIIT), National Law Universities (NLUs) etc. NLUs have always been in the practice of providing infrastructural assistance to GI registration processes along with state industrial promotion bodies. Designating NLUs as nodal services for giving research guidance and also in the procedures of GI applications would ensure primary regulations and controls in the GI enforcement systems. NLUs could be entrusted with collecting data and synchronizing activities with the Registrar and the Ministry. Again, it would be of benefit if voluntary

applications for post-registration enforcement plans and marketing strategies were encouraged from all applicants.

2) Young design students should be inspired to work as interns along with the village communities, where they would learn from the local artisans. They would share knowledge and assist the local artists in matters of modern design. This would potentially aid in building a national database of exclusive designs alongside the already existing initiatives that encourage artisans to participate in workshops organized by designers in the cities. NIFT has already been actively involving its students as well as alumni in engaging in the designing and packaging processes of the GI items like Kota Doria, Chikan, Chenapatna, Chanderi, etc. NIFTs should function as nodal agencies for the purpose of packaging and designing GI-accredited items. IIMs should participate in building branding and marketing plans for the GI products. Added focus should be on establishing specific GIs as exclusive endorsing brands. The Central and State Governments should allocate resources at the district level for the purpose of supervising and organizing the processes of manufacture, marketing, packaging, and sales of the products. The district-level operations should be run by the existing IIMs, PSUs, NIFTs, MNCs, etc., so that the entire implementation process is conducted smoothly and without glitches. Such a division of work would make the procedure well consolidated and, consequently, the target would be achieved easily. The initiatives of the government, namely, the One District One Product (ODOP), Open Network for Digital Commerce (ONDC) should be used extensively for improving the sales of authentic GI products and thereby facilitating benefits to the ultimate producers.

3) Time to time, technological upgrades and the addition of innovative designs are required for improving the outputs and developing the standards of the products concerned. This could also help in making newer kinds of products. In the matter of agricultural items, added coordination is necessary between the registered proprietors and authorized users for developing value-added items.⁴³ For example, the Kerala University has its own program for offering technical training to the state's GI products. The farmers have to report whether they are obeying the regulations set forth by the University. Such measures should be followed by other states as well. Every state should designate at least one university to support the GI producers and the products of that state. Again, the state universities should share a common platform where they can exchange their practices and ideas for driving innovations.

⁴³ Andrea Zappalaglio, *The Future of Geographical Indications: European and Global Perspectives* 169-184 (Edward Elgar Publication, UK, 2024).

4) The State Councils of Science and Technology, along with the small industries, could build utility centers at district levels for supplying equipment and technical knowledge to the GI makers. The DPIIT should offer support in these operations. Similar centers are in place in areas like Chanderi and Bagru. The cooperatives of producers at Bagru push for the necessity of common facilities like a waste treatment plant. Adequate financial support is required to establish such plants. The pineapple growers of Vazhakulam, Kerala, derive profits from the Pineapple-Pack house funded by the APEDA. It provides facilities like sorting, storage provisions, and cooling chambers. Similar support facilities should be arranged in every state, and the responsibility could be taken by state universities. Authorized users of a GI tag should have better access to financial aid in the form of insurance and loans.

5) At present, the majority of market shares are owned by online retail companies like Flipkart, Amazon, and many more. Thus, these companies should be asked to assist in providing logistics to the GI products and sellers. Such initiatives could be part of the CSR programs of these online retailers. If the online retail companies extend their support, the GI products, as well as the producers, can attain a huge domestic and global outreach. Moreover, the online retailers possess advanced counterfeit identification technologies. Their participation in the process should limit infringement actions to a great extent. Again, such programs would help in reducing the burdens of the government exchequers.

6) The provision contained in Section 9(f) of the GI Act should be revisited and modified in order to remove the ambiguity of the explanation of the expression ‘generic’.

7) A fool-proof and decentralized quality assessment system has to be built to ensure that every GI-recognized product entering the market satisfies the minimum quality standards as promised by the registered proprietors and authorized users. To this end, a slight change in Rule 25 of the GI Rules can be made to include this measure within the given expression, ‘statement to include this provision’.

8) Absence of proper public enforcement is one major drawback of the GI framework of India. Copyright and patent owners have the resources and power to bring infringement actions on their own against a wrongdoer.

9) A designated prosecution agency should be created under the aegis of the “Department for Promotion of Industry and Internal Trade”. Such an agency should be entrusted with the power to prosecute any infringement of GI.

GIs can develop and enrich the rural economy of India. But the current legal system and its implementation procedure have proven to be immensely insufficient. Changes are necessary in

order to make sure the producers and manufacturers are not deprived of the fruits of their skill and labour.
