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DISCOVERING INDIAN AGRICULTURE THROUGH GEOGRAPHIC INDICATIONS~ Shruti Shree¹**Abstract**

Geographical Indication (GI) is a unique name or sign used to identify commodities from a specific geographical location, establishing a direct link between a product and its origin. Regions can prevent third parties from using GI if the product fails to meet prescribed standards. GI is also a valuable tool in safeguarding, perpetuating, and rewarding the potential market and traditional knowledge associated with products with authentic origin. GI is especially important in the agricultural sector, as it encourages sustainable practices and contributes to conserving a country's rich biodiversity. The establishment and recognition of GI underscore its importance in legal frameworks, promoting sustainability in agriculture, and preserving diverse ecosystems.

Keywords

Geographical indication, Geographical Indications of Goods (Registration & Protection) Act, 1999, Rural economy, Sui generis, Traditional knowledge; TRIPS agreement; World Trade Organization (WTO)

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INTRODUCTION

“Agriculture is our wisest pursuit because it will, in the end, contribute most to real wealth, good morals, and happiness.”

-Thomas Jefferson

With its sixth position in world economies, India depends on agriculture as most of the country's population depends on agriculture for their livelihood. Agriculture provides an enormous scope of employment opportunities for both agricultural and non-agricultural laborers. The impact of agriculture can be traced to independence as it has significantly contributed to India's GDP. Still, compared with other countries like the UK and the USA, the agriculture sector only contributes three percent of its GDP. As an agricultural exporter of various commodities like rice, beef, tea, sugar, spices, and many more, India has made us realize the significance of geographical indications and their protection. GI helps identify any product originating in a particular area for its proper work efficiency. GI tag gives a product some distinct feature, which usually brings a direct connection between the product and the place where it was manufactured. GI tags for a product are generally used by genuine consumers and residents of the territory where the origin took place. GI tags can take the shape of geographical names or any representation of place. Article 1(2), Article 10 of the Paris Convention, and Articles 22 to 24 of TRIPS provide that GI are protected as a component of Intellectual property rights.²

Geographical Indications (GIs) are crucial in safeguarding intellectual property rights, particularly for agricultural products and related foods tied to specific geographic areas. In India, several institutions and agencies are actively working to ensure the legal protection of Indian geographical indications. These entities focus on implementing strategies to enhance the visibility and recognition of GI tags. As a member of the World Trade Organization (WTO), India enacted the Geographical Indications of Goods (Registration & Protection) Act in 1999³, which became effective on September 15, 2003⁴. The act is overseen by the Controller General of Patents, Designs, and Trademarks, who serves as the

² About Us | Geographical Indications | Intellectual Property <https://ipindia.gov.in/about-us-gi.html>.

³ Id.

⁴ Id.

Registrar of Geographical Indications. An authority in Chennai also administers the Geographical Indication of Goods (Registration and Protection) Act 1999. Given India's rich cultural heritage, particularly in rural communities, there is a need to spotlight the significance of GI tags to prevent exploitation. The Central government is undertaking substantial efforts to boost the export of locally GI-tagged agricultural products and explore additional regional agricultural offerings. Recognizing that agriculture is the backbone of India, these initiatives are viewed as practical strategies to alleviate poverty. The enhanced production and profitability in the rural sector have the potential to elevate income levels, consequently driving demand for both agricultural and industrial products. Furthermore, exporting agricultural goods can contribute significantly to the country's earning substantial foreign exchange. The emphasis on Geographical Indications aligns with broader economic goals, leveraging India's agricultural strengths for domestic prosperity and international trade.

Geographical Indications designate the place of origin of the excellent and other attributes related to the goods. World Trade Organization (WTO) under the Trade-Related Aspects of Intellectual Property Rights (TRIPS) agreement mentions under Article 22.2⁵ the obligation of the countries to protect geographical indications. The concept of GI came up because of the enormous profits earned by tarnishing the image of the original products and thus cheating the consumers with the fake image. The emergence of GI in the agriculture sector helped distinguish the products of a particular region and prevent being misled. GI-tagged products often get high prices in the market, eventually leading to farmers' higher incomes. The primary focus on the GI tags has led to the preservation of traditional farming and helped locals' overall development in their respective regions. GI tag acknowledges the historical and cultural significance attached to agricultural products; for example, "Basmati Rice" is well known for its premium quality and depicts the rice cultivation tradition in the Himalayas⁶. Farmers in India are promoted to maintain the quality and authenticity of the product, which later helps in biodiversity conservation as good farming techniques are adapted, preventing soil erosion. GI tag has led to an increase in income through agrotourism, and well-known examples are the tea gardens of Darjeeling⁷ where people from all over the world come to seek the experience of rich Indian culture.

⁵ WTO | Intellectual Property (TRIPS) - Agreement Text - Standards. www.wto.org/english/docs_e/legal_e/27-trips_04b_e.htm

⁶Items Where Author Is "Fatesaria, Harshita" - Publications Repository (PURE). <https://pure.jgu.edu.in/view/creators/Fatesaria=3AHarshita=3A=3A.html>.

⁷ Tea Tourism: Much More Than the Beautiful Tea Gardens of Darjeeling - Today's Traveller - Travel & Amp, *Today's Traveller - Travel & Tourism News, Hotel & Holidays*, 26 Dec. 2023, <http://www.todaystraveller.net/tea-tourism-tea-gardens-of-darjeeling/>

Geographical indications have emerged as a powerful mechanism in preserving, protecting, and discovering the rich Indian agricultural heritage; the GI tag has also helped encourage innovation and sustainability.

OVERVIEW OF GEOGRAPHICAL INDICATIONS

In the realm of intellectual property rights (IPR), geographical indications (GIs) stand out as a form of protection specifically designed for items or goods linked to a distinct geographical region. GIs are exclusive to genuine consumers and residents of the particular region of product origin, creating a connection between the product and its geographic source. The scope of GI tags covers a diverse range of products, including agricultural items, handicrafts, manufactured goods, consumables, and textiles. These tags play a crucial role in promoting biodiversity conservation within rural communities by conveying the product's geographical origin. The definition of Geographical Indication, as outlined in Article 22(1) of the Trade-Related Aspects of Intellectual Property Rights (TRIPS), describes GIs as indications identifying a good's origin in the territory of a member or a specific region or locality within that territory, where the quality, reputation, or other characteristic of the good is essentially tied to its geographical origin. In our daily lives, we encounter numerous products such as Darjeeling tea, Kashmir saffron, Manipuri black rice, Odisha rasagola, and more, each associated with a distinct geographical region serving as the source of origin. Geographical Indications represent one of the six Trade-Related Intellectual Property Rights (TRIPS) recognized by the World Trade Organization (WTO), providing comprehensive and effective protection to goods registered as GI products. This recognition and protection not only preserve the cultural and traditional identity of products but also contribute to the sustainable development of the regions associated with their production.⁸

In India, the Geographical Indication of Goods (Regulation and Protection) Act was passed in 1999 to protect and register intellectual property corresponding to goods, which came into force on 15th September 2003. The act defines geographical indication under Section 2(1)(e)⁹ briefly, where a particular good's given quality and reputation is associated with its origin. In the year 2004, Darjeeling tea was the first product to obtain a GI tag, and as of 2022, India has four hundred and seventeen registered GI products, out of which nearly one hundred fifty products are from the agricultural sector.¹⁰

⁸ Global Trade Update (March 2024). UNCTAD, 21 Mar. 2024, <https://unctad.org/publication/global-trade-update-march-2024>

⁹ *The Geographical Indications of Goods (Registration and Protection) Act, 1999 No.48 of 1999*. <https://ipindia.gov.in/act-1999.htm>

¹⁰ *GI Tagging in Indian Agriculture | Taro Pumps*. 10 May 2022, <https://www.taropumps.com/blog/gi-tagging-in-indian-agriculture>

Geographical indications are used for a wide range of agricultural products because they are impacted mainly by soil and climate, which can be derived from their place of origin. There were three international conventions, namely the Paris Convention for the Protection of Industrial Property (1883), the Madrid Agreement (1891), and the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration (1958) before the TRIPS Agreement.¹¹ In India, the Central Government has established the Geographical Indication Registry at Chennai under the Controller General of Patents, Designs, and Trade Marks to register GIs.¹²

In agricultural products, seeds play a significant role, which was the least expensive of the total plant production costs. With this, farmers realized the benefit of using healthy seeds. After the success of the green revolution, farmers started using high-quality seeds in bulk, which led to improved crop variety. As a result, people eventually started understanding the importance of biodiversity conservation, protection of farmers, access to traditional crop varieties, and increasing consumer assurance through geographical indications. An increase in productivity and profitability in agriculture can increase the overall income of the rural population and thereby reduce the poverty level, as agriculture is the primary source of livelihood in rural areas. Agricultural goods can earn massive foreign exchange by exporting agricultural products and inputs such as seeds, fertilizers, and irrigation equipment. In recent times, there have been massive efforts made by various agencies and institutions to provide appropriate protection to GI-tagged products and promote economic prosperity of GI-tagged products by amplifying product demand both in national and international markets.

GEOGRAPHICAL INDICATIONS AS A TOOL FOR SUSTAINABLE DEVELOPMENT

Geographical indications, with the help of various studies, prove its contribution as a tool for sustainable development, especially in rural areas. Geographical indications bring value to a particular region regarding its employment opportunities and promote the region, protecting and encouraging the young energy from de-channelizing. The protection of geographical indications certainly brings a variety of benefits ranging from socio-cultural values for traditional knowledge specific to the region to economic gains due to an increase in employment, which altogether increases the income and overall growth of the economy. GI tags improve the local governing system, enrich tourism, recognize regions, increase land

¹¹ Jain, Surbhi. "Effects of the Extension of Geographical Indications: A South Asian Perspective." <https://ideas.repec.org/a/unt/inapdi/v16v2009i2p65-86.html>

¹² *The Geographical Indications of Goods (Registration and Protection) Act, 1999 No.48 of 1999.* <https://ipindia.gov.in/act-1999.htm>

values, and more. GIs actively encourage sustainable agricultural practices by promoting methods that are well-adapted to local climates and conditions. This can include environmentally friendly farming techniques, organic farming, and other practices that minimize the environmental impact of agriculture. GIs act as a driving force for sustainable practices, contributing to agricultural ecosystems' overall health and resilience. The collaborative nature of GIs involves local communities in the production process, leading to economic development and job creation. By creating opportunities for income generation within the community, GIs contribute to improved living standards and the overall well-being of the people involved in agriculture. Geographical Indications serve as a mark of quality and authenticity. By ensuring that products meet specific standards associated with their geographical origin, GIs provide consumers with confidence in the quality and authenticity of the products. This quality assurance enhances consumer trust and drives market demand, improving producers' prices. The global recognition associated with GIs can open up international markets for products, contributing to economic sustainability for producers. GIs often link products to specific environmental conditions, promoting agriculture that is well-adapted to local ecosystems. This reduces the need for excessive inputs such as pesticides and fertilizers, contributing to environmental conservation. GIs help preserve biodiversity as many products associated with GIs rely on traditional and indigenous agricultural practices closely intertwined with local ecosystems. By promoting and protecting these products, GIs incentivize the maintenance of biodiversity, ensuring the continuation of conventional farming methods that have evolved over generations. GIs play a crucial role in the conservation of traditional knowledge. The association of products with their geographical origin helps safeguard the expertise developed by local communities. This prevents the loss of valuable knowledge and contributes to the sustainability of agricultural practices by maintaining a harmonious relationship between farming and the environment. Geographical Indication is a multifaceted and comprehensive tool for promoting sustainable development in agriculture through preserving biodiversity, conserving traditional knowledge, encouraging sustainable practices, and promoting community development and cultural identity. GIs create a framework that aligns economic, environmental, and social objectives. Geographical indications offer a promising avenue for building a more sustainable and resilient future for agricultural systems worldwide.¹³

¹³ *Promote Geographical Indications as a Tool for Sustainable Rural Development*, FOOD AND AGRICULTURE ORGANIZATION OF UNITED NATIONS, (Last Visited Nov. 17, 2023) <https://www.fao.org/geographical-indications/projects/promote-geographical-indications-as-a-tool-for-sustainable-rural-development/en>

GEOGRAPHICAL INDICATION AND ITS IMPACT ON THE INDIAN ECONOMY

Geographical Indication refers to the recognition of a product as originating from a specific geographical location, bringing with it certain qualities, reputation, or characteristics unique to that region. Implementing GI has been a strategic move in India to protect and promote traditional products, fostering economic growth and sustainability. GIs have been pivotal in promoting and preserving India's rich cultural and agricultural heritage. Conventional products, such as Darjeeling tea, Basmati rice, and Alphonso mangoes, have gained international recognition and protection through GI. This recognition helps differentiate these products from their generic counterparts, adding value and contributing to the economy.¹⁴ GI recognition has facilitated global market access for Indian products. Internationally renowned GIs, like Basmati rice, have opened up export avenues, contributing significantly to foreign exchange earnings. This has not only enhanced the economic status of farmers and producers but has also increased the visibility of Indian agricultural products in global markets.¹⁵ GIs are often associated with specific regions, promoting local economies and empowering communities. By protecting the geographical identity of products, GIs create economic opportunities at the grassroots level. This is particularly evident in regions where traditional crafts, textiles, and agricultural practices are deeply ingrained in the local culture. The GI tag acts as a guarantee of quality and authenticity, instilling confidence in consumers. This assurance is crucial in domestic and international markets, as there is increasing demand for GI-protected products. As consumers become more conscious of the origin and quality of products, the GI tag becomes a valuable marketing tool.¹⁶ GIs contribute to the conservation of traditional knowledge and biodiversity. Products associated with GIs often involve unique farming practices, biodiversity conservation efforts, and sustainable agricultural methods. By recognizing and protecting these traditions, GIs support sustainable agriculture, preserving India's diverse agricultural heritage. GIs provide legal protection against unauthorized use and imitation of products. This protection is crucial for preventing the dilution of product quality and reputation. It ensures that the economic benefits derived from these products remain within the communities and regions that have nurtured them for generations. GIs not only boost the financial aspects of a region but

¹⁴ Journal UGC-CARE IJCR (ISSN: 2320-2882) | UGC Approved Journal | International Peer Reviewed Journal and Refereed Journal, https://ijcr.org/track.php?r_id=245425

¹⁵ Trends in GI Sector: An Analysis., Lakshmikumaran & Sridharan Attorneys, <https://www.lakshmisri.com/insights/articles/trends-in-gi-sector-an-analysis/>

¹⁶ Research Papers | ICAR-National Academy of Agricultural Research Management. <https://naarm.org.in/publications/research-papers/>

also contribute to cultural and tourism promotion. Regions with GI-protected products often become tourist attractions, leading to increased economic activities related to tourism and hospitality.

- **Darjeeling Tea:** With its unique flavor and characteristics attributed to the Darjeeling region, the GI status has safeguarded the authenticity of Darjeeling tea, preventing misuse and ensuring premium pricing in international markets. This has resulted in increased revenue for local tea producers, sustaining the livelihoods of small-scale farmers and fostering economic development in the region. Additionally, the GI recognition has facilitated international trade, contributing to the growth of India's tea export industry. The protection of the Darjeeling name has preserved the cultural heritage of tea production and attracted tourists to the region. Overall, the Darjeeling tea case illustrates how GI protection can positively impact the market value, economic well-being, and cultural preservation of a region's unique products in the global marketplace.
- **Pochampalli Ikat:** A traditional weaving technique from Telangana and Andhra Pradesh, has positively impacted the Indian economy. Acknowledging the intricate patterns and unique craftsmanship associated with the Pochampalli region, the GI status has played a pivotal role in protecting the authenticity of Pochampalli Ikat products. This recognition has translated into economic empowerment for local weavers, ensuring market differentiation and enabling them to command better prices for their authentic creations. Preserving traditional Ikat weaving techniques has been a notable outcome, fostering the continuity of a centuries-old art form. The enhanced market value of Pochampalli Ikat, facilitated by GI protection, has contributed to increased demand and sales, both domestically and internationally. The GI recognition has positioned Pochampalli Ikat as a culturally significant textile, attracting global consumers and promoting exports. Beyond economic dimensions, this protection has played a role in cultural promotion, potentially attracting tourism interested in experiencing the rich heritage of Pochampalli weaving. Ultimately, the GI status for Pochampalli Ikat stands as a commendable example of how such protection can bolster sustainable livelihoods, preserve traditional craftsmanship, and contribute to the global recognition of India's cultural and artistic heritage.¹⁷
- **Kadakhnath Chicken:** A native breed from Madhya Pradesh, has significantly impacted the

¹⁷ Rongmei, Precious. "Explore the Handloom Heritage of Pochampally Village in Telangana, *Times of India Travel*, <https://timesofindia.indiatimes.com/travel/destinations/explore-the-handloom-heritage-of-pochampally-village-intelangana/articleshow/103758511.cms>

Indian economy. Recognized for its unique taste, texture, and cultural significance, the GI status ensures that only chicken from the specific region and breed can be labeled as Kadaknath. This has protected the authenticity of Kadaknath chicken and created economic benefits for local poultry farmers. The GI recognition has facilitated market differentiation, allowing consumers to identify and choose genuine Kadaknath chicken. By preventing the misuse of the name and ensuring that only authentic products are sold under the Kadaknath label, the GI status has contributed to the sustainable development of the poultry industry in the region. It has also helped to enhance the market value of Kadaknath chicken, providing economic opportunities for local farmers and promoting the breed's unique qualities in the broader marketplace. The GI protection for Kadaknath chicken thus serves as a model for preserving indigenous breeds, ensuring fair trade practices, and contributing to the economic growth of local communities.¹⁸

- **Kolhapuri Chappal:** Handmade leather footwear from Kolhapur, Maharashtra, has notably impacted the Indian economy. With its unique design, craftsmanship, and cultural significance, the GI status ensures that only footwear produced in the specific geographic region of Kolhapur, adhering to traditional methods, can be labeled and sold as Kolhapuri Chappal. This recognition has led to economic empowerment for local artisans and manufacturers. The GI protection safeguards the authenticity of Kolhapuri Chappal, preventing imitation and ensuring that consumers receive genuine products. The exclusivity granted by the GI status has enhanced the market value of Kolhapuri Chappal, allowing artisans to command better prices for their authentic creations. Furthermore, the recognition of Kolhapuri Chappal as a GI product has contributed to preserving traditional craftsmanship and cultural heritage. This protection not only boosts the local economy by providing sustainable livelihoods for artisans but also promotes the export potential of this unique Indian footwear, thus showcasing the economic and cultural significance of GI protection for traditional products.¹⁹
- **Arunachal and Nagpur Oranges:** Arunachal Pradesh's unique climatic conditions contribute to its oranges' distinct taste and aroma. Arunachal Orange empowers local farmers

¹⁸ Mishra, Punya Priya Mitra And Ritesh. "MP's Black Chicken Kadaknath Wins GI Tag, Beats Chhattisgarh's Claim." *Hindustan Times*, 29 Mar. 2018, <https://www.hindustantimes.com/india-news/mp-s-black-tribal-chicken-kadaknath-wins-gi-tag-beats-chhattisgarh-s-claim/story-kSJrEoLx0GFT9z2NpvzQ8I.html>

¹⁹ Bccl. Kolhapuris: The Famous Leather Chappal Get Geographical Indication Tag, *The Economic Times*, <https://economictimes.indiatimes.com/news/politics-and-nation/kolhapuris-the-famous-leather-chappal-get-geographical-indication-tag/geographical-indication-tag/slideshow/69855278.cms>

economically, ensuring fair market access and premium pricing. Market differentiation and increased demand are also anticipated, as consumers can identify and choose genuine Arunachal oranges. Furthermore, the recognition attracts tourists interested in experiencing the unique flavor, contributing to local economies, and enhancing the region's brand. In the case of Nagpur Orange, known for its sweetness and quality, official GI status safeguards the economic interests of local orange growers. Ensuring fair pricing and preventing the misuse of the Nagpur Orange name, GI recognition could also boost the export potential of these oranges by assuring international consumers of authenticity and quality. Preserving the unique identity of Nagpur Oranges, ensuring that the specific characteristics associated with the region are maintained. Overall, the potential GI status for Arunachal Orange and Nagpur Orange aligns with the broader trend in India, leveraging intellectual property rights to protect and promote unique regional products, thereby contributing to the economic well-being of local communities.²⁰

LAWS GOVERNING GEOGRAPHICAL INDICATION

Preserving Geographical Indication Involves legal frameworks aimed at protecting the rights of producers associated with specific geographical regions. In addition to specific GI laws, broader intellectual property laws and international agreements contribute to the preservation of GIs. Preserving GIs requires a multifaceted approach, combining particular GI laws with broader intellectual property frameworks and international cooperation. The interaction of these legal instruments contributes to the protection and promotion of products associated with specific geographical regions.

- **The Geographical Indications of Goods (Registration and Protection) Act, 1999** serves as the cornerstone for registering and protecting Geographical Indications (GIs) in India. This legislation is specifically designed to provide legal recognition and establish safeguards against the unauthorized use of GIs. The Act underscores the intrinsic connection between a product's unique qualities, characteristics, or reputation and its specific geographic origin. Doing so aims to preserve the authenticity and distinctiveness of goods from particular regions. The Act outlines the procedures for registration, offering a formalized framework for producers, organizations, or authorities to apply for GI protection. Once registered, GIs enjoy exclusive rights, empowering the registered proprietors to take legal action against unauthorized use or

²⁰ *GI Tag for Nagpur Orange to Benefit Both Farmers and Consumers.* <https://www.downtoearth.org.in/news/gi-tag-for-nagpur-orange-to-benefit-both-farmers-and-consumers-46104>

misrepresentation of their products. Therefore, the Geographical Indications Act of 1999 plays a pivotal role in fortifying the legal foundation for protecting and promoting GIs in India.

- **The Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement**, constituting a vital component of the World Trade Organization (WTO) agreements, establishes global standards for intellectual property rights. Recognizing the significance of protecting Geographical Indications (GIs), the TRIPS Agreement outlines general principles for their registration and enforcement. TRIPS represents a comprehensive international framework that obliges WTO member countries to provide minimum intellectual property protection, ensuring a standardized approach to GIs. It acknowledges products' unique qualities tied to specific geographic origins and emphasizes preventing misleading uses or unauthorized exploitation. Under TRIPS, member countries commit to establishing effective legal mechanisms for registering and protecting GIs, thus contributing to the global effort to preserve the integrity and cultural heritage associated with region-specific goods. The TRIPS Agreement, therefore, plays a pivotal role in fostering a harmonized and internationally recognized system for protecting Geographical Indications.
- **The Paris Convention for the Protection of Industrial Property** is a foundational international treaty that establishes a comprehensive framework for protecting various forms of industrial property, including Geographical Indications (GIs). Enacted in 1883, the convention aims to harmonize and standardize intellectual property rights globally. Concerning GIs, the Paris Convention promotes international recognition and outlines fundamental principles for their protection. Member countries committed to protecting GIs registered in other member states, fostering a cooperative approach to safeguarding region-specific products. The convention underscores the importance of preventing the unauthorized use and misrepresentation of GIs to maintain their distinctiveness and reputation. By providing a structured framework for international cooperation, the Paris Convention contributes significantly to the preservation and recognition of Geographical Indications on a global scale.
- **The Lisbon Agreement for the Protection of Appellations of Origin and their International Registration** is a specialized international treaty concentrating on the global registration and protection of appellations of origin, a category closely related to Geographical Indications (GIs). Established in 1958, the agreement sets up a system for the international registration of appellations of origin and provides a framework for their protection across participating

countries. Appellations of origin, similar to GIs, denote a product's specific geographical origin and possess qualities or characteristics attributable to that origin. The Lisbon Agreement allows for a centralized and coordinated approach to protecting these names of origin, facilitating international cooperation among member states. By establishing a mechanism for the international registration and protection of appellations of origin, the Lisbon Agreement contributes to the broader efforts to preserve and recognize the unique qualities associated with products originating from specific geographic regions on a global scale.

- **The Indian Trademarks Act of 1999** encompasses provisions that extend to the protection of Geographical Indications (GIs). This legislation recognizes the importance of preventing confusion and misleading representations related to the geographical origin of goods. Specifically, the Trademarks Act prohibits the registration of trademarks that might cause confusion with GIs or deceive the public regarding the true geographic origin of the goods. By incorporating these provisions, the Act aligns with the broader effort to safeguard the integrity and distinctiveness of products originating from specific regions. This legal framework ensures that trademarks do not infringe upon the rights of GIs, reinforcing the importance of accurate and transparent information for consumers. Including provisions related to GIs in the Trademarks Act reflects a comprehensive approach to intellectual property protection, addressing the uniqueness of individual marks and the broader geographical indications associated with specific products.
- **The Food Safety and Standards Authority of India (FSSAI)** plays a pivotal role in preserving Geographical Indications (GIs) by formulating and enforcing regulations that set stringent standards for the quality and safety of food products, including those with geographical indications. As India's primary regulatory body for food safety, FSSAI ensures that products labeled with GIs adhere to specific criteria related to their origin, production methods, and unique characteristics. By doing so, FSSAI maintains the authenticity and integrity of GI-protected products, protecting consumers from adulteration and substandard practices. Additionally, FSSAI's involvement in certifying and monitoring compliance, enforcing labeling requirements, and fostering consumer awareness reinforces the link between regulatory bodies and GI protection mechanisms. This collaborative approach underscores the significance of FSSAI in upholding the standards and qualities associated with products originating from specific regions, promoting consumer trust, and safeguarding the cultural and economic value

of Geographical Indications in the Indian food industry.

- **Consumer Protection Laws** serve a critical role in preserving Geographical Indications (GIs) by thwarting misleading practices that could befuddle consumers regarding the origin or quality of products. These laws shield consumers from deceptive marketing tactics that might compromise their ability to make informed choices. In the context of GIs, which signify a product's unique connection to a specific geographic region, consumer protection laws play a pivotal role in ensuring that products labeled with GIs accurately represent their origin and maintain the expected quality standards. These laws build and sustain consumer trust by prohibiting misleading practices and false representations. The legal framework empowers consumers to make well-informed decisions by fostering transparency in product labeling, thereby preserving the authenticity and reputation of products associated with specific geographical regions. In essence, applying consumer protection laws safeguards against deceptive practices, reinforcing the integrity of Geographical Indications and maintaining the trust between producers and consumers.
- **Bilateral and regional agreements** are pivotal in protecting Geographical Indications (GIs) by fostering collaboration between nations. These agreements, formalized between two or more countries, commonly include provisions that facilitate the mutual recognition and safeguarding of each other's GIs. Through coordinated registration processes, joint enforcement mechanisms, and preventive measures against misuse, these agreements streamline GI protection across borders. Beyond economic considerations, they contribute to cultural and regional cooperation, preserving the identity of products tied to specific geographical origins. By enhancing market access and trade opportunities, these agreements provide economic benefits for producers of GI-protected goods. Additionally, provisions for capacity building, technical assistance, and dispute resolution mechanisms contribute to a more robust and cohesive framework for the international preservation of GIs, fostering collaboration and understanding among participating nations.
- **Customary law and traditional knowledge protection** mechanisms are crucial in preserving Geographical Indications (GIs), especially within communities where traditional practices are intrinsic to the product. Customary law refers to the unwritten, often community-specific legal norms and practices that have evolved. In many indigenous or local communities, customary laws govern the use, production, and protection of traditional products, including those associated with specific geographic origins. Traditional knowledge protection mechanisms

safeguard the unique knowledge, practices, and cultural expressions passed down through generations. In the context of GIs, these mechanisms ensure that the traditional methods of production, cultivation, or craftsmanship integral to the product's identity are respected and maintained. By upholding customary laws and traditional knowledge, communities can protect their GIs from misuse, unauthorized replication, and external exploitation. This approach contributes to the community's economic well-being and safeguards these traditional products' cultural and historical significance. Integrating customary law and standard knowledge protection is an intrinsic part of the broader effort to sustain and preserve Geographical Indications within culturally rich and traditional communities.

- The efficacy of Geographical Indication (GI) laws hinges on robust **enforcement mechanisms**, employing legal tools like civil and criminal actions to preserve the integrity of GIs and hold unauthorized users accountable. Civil actions allow GI registrants to seek remedies such as injunctions and damages against individuals or entities infringing on their protected GIs. These actions are vital for safeguarding the exclusivity and reputation of region-specific products. On a criminal level, legal measures can include penalties, fines, or even imprisonment for those found guilty of intentionally violating GI rights. The threat of criminal consequences is a deterrent against unauthorized use and misrepresentation. Enforcement mechanisms may involve collaboration with law enforcement agencies, customs authorities, and other regulatory bodies to monitor and curb the illicit trade of counterfeit or falsely labeled products. Effective enforcement ensures the economic benefits associated with GIs and upholds the cultural and historical identity tied to these region-specific products. In essence, the combination of civil and criminal enforcement mechanisms is indispensable for the preservation and sustained value of Geographical Indications in the marketplace.²¹

²¹ Pandey, Neeraj, and Khushdeep Dharni. *INTELLECTUAL PROPERTY RIGHTS*. PHI Learning Pvt. Ltd., 2014, https://books.google.ie/books?id=Hqd2BAAQBAJ&printsec=frontcover&dq=LAW+RELATING+TO+INTELLECTUAL+PROPERTY+RIGHTS&hl=en&cd=1&source=gbs_api.#v=onepage&q=LAW%20RELATING%20TO%20INTELLECTUAL%20PROPERTY%20RIGHTS&f=false

CHALLENGES INDIAN FARMERS FACE IN OBTAINING GEOGRAPHICAL INDICATION CERTIFICATION

Indian farmers face numerous challenges in their pursuit of Geographical Indication (GI) certification, a process critical for safeguarding and promoting region-specific agricultural products. The complexities involved in obtaining GI certification contribute to these challenges, creating barriers that hinder farmers' ability to realize the potential benefits associated with certified products fully. The multifaceted nature of these challenges includes factors. One is a lack of awareness about GIs and their advantages, financial constraints that make the certification process burdensome, and intricate, bureaucratic application procedures. Additionally, the need for collective action among farmers and effective organization poses a significant hurdle. Maintaining consistent quality that meets stringent standards, the time-consuming certification process, and subsequent legal protection and enforcement challenges compound farmers' difficulties. Limited government support and market access barriers add additional layers of complexity. Overcoming these challenges requires concerted efforts from various stakeholders, including government bodies, non-governmental organizations, and farmers' communities, to provide education, financial support, and streamlined processes that empower farmers to navigate the complexities of GI certification successfully. Addressing these challenges is crucial for enabling farmers to protect their unique regional products, preserve cultural heritage, and access enhanced economic opportunities in domestic and international markets.

- **Lack of Awareness:** Many Indian farmers face a significant challenge in obtaining Geographical Indication (GI) certification due to a pervasive lack of awareness about the concept and its potential benefits. Farmers often do not understand the intricacies of GIs, including the economic advantages associated with certification. This lack of awareness hampers their ability to recognize the value of GI certification and the opportunities it presents for protecting and promoting region-specific agricultural products.
- **Complex Application Process:** GI certification's complex and bureaucratic application process poses a substantial obstacle for farmers. Navigating detailed documentation requirements, adherence to specific criteria, and compliance with stringent standards can be daunting, especially for small-scale farmers who may lack the resources or expertise to navigate the intricacies of the certification process effectively.

- **Financial Constraints:** Financial limitations represent a significant hurdle for many farmers seeking GI certification. The costs associated with the application process, including fees, documentation expenses, and the need to meet quality standards, can be prohibitive. Small-scale farmers, in particular, may find it challenging to allocate resources for certification, limiting their ability to participate in this formal recognition process.
- **Collective Action and Organization:** Obtaining GI certification often necessitates collective action, with farmers or producers from a specific region coming together to apply for and maintain certification. However, the challenge lies in organizing and mobilizing such collective efforts, particularly in regions characterized by diverse farming practices. Coordinating a unified approach among stakeholders is essential for successful GI certification.
- **Quality Control and Standardization:** Maintaining consistent product quality that meets prescribed standards requires GI certification. Many farmers face difficulties in consistently meeting these stringent quality criteria. Issues such as the lack of infrastructure, technological resources, and knowledge may impede their ability to adhere to the necessary standards throughout production.
- **Lengthy Certification Process:** The certification process for GIs is often time-consuming, from the initial application to the final approval. The protracted duration may discourage farmers, particularly those facing immediate economic challenges. The need for a sustained commitment to the certification process, coupled with uncertainties regarding the timeline for approval, adds to the complexity and potential disenchantment among farmers.
- **Legal Protection and Enforcement:** Even after obtaining GI certification, ensuring legal protection and enforcing GI rights can be a formidable challenge for farmers. Unauthorized use and misrepresentation of GI products by entities outside the certified group may require legal resources and efforts that farmers may not readily possess.
- **Limited Government Support:** Farmers often perceive a lack of sufficient support from the government in terms of financial assistance, capacity-building programs, and awareness campaigns related to GI certification. Enhanced government initiatives and support structures are essential to address the financial and knowledge gaps hindering farmers from actively pursuing and benefiting from GI certification.
- **Market Access:** While GI certification opens doors to premium markets, farmers encounter challenges accessing these markets. Existing supply chain constraints, inadequate market

linkages, and competition from non-certified products pose hurdles for farmers seeking to leverage their certified status for improved market access and economic opportunities.

ROLE OF GOVERNMENT IN PROMOTING GEOGRAPHICAL INDICATION

The government is central to promoting geographical indications (GIs) by establishing a comprehensive legal and regulatory framework. Governments provide the legal foundation for recognizing and protecting products associated with specific geographic regions by enacting specific laws. In tandem, governments often create specialized GI authorities tasked with overseeing the registration process, ensuring compliance with standards, and managing legal aspects of GI protection. Financial support and incentives are critical components of governmental efforts, with funds allocated to assist producers and farmers in covering certification costs and participating in support programs that enhance the quality and competitiveness of GI-certified products. Furthermore, governments invest in capacity-building and training initiatives to raise awareness among producers and stakeholders about the significance of GIs. These programs educate participants on the benefits of certification and help maintain the requisite quality standards. Domestically and internationally, governments facilitate market access and promotion of GI products. They work to increase visibility, demand, and economic opportunities for producers associated with specific geographic regions. Governments also engage in international cooperation, participating in bilateral and multilateral agreements and collaborating with other nations to foster mutual recognition and enforcement of GIs. In addition to promotion, governments are responsible for enforcing GI rights. This involves legal action against unauthorized use or infringement, requiring collaboration with law enforcement agencies, customs authorities, and legal bodies. The government's support for sustainable agriculture aligns with the broader goals of promoting GIs. By encouraging environmentally friendly and traditional agricultural practices tied to GI-certified products, governments contribute to preserving biodiversity and cultural heritage. Research and development initiatives receive government backing to enhance GI products' quality, innovation, and competitiveness. This support extends to technological advancements, agricultural practices, and product diversification associated with specific geographic regions. To create informed consumers, governments conduct awareness programs, educating the public about the significance of GIs. These efforts empower consumers to make informed choices, appreciate the unique qualities of certified products, and contribute to the success of GI marketing initiatives.

The government's multifaceted role encompasses legal, financial, educational, and promotional aspects,

creating an enabling environment for the recognition and sustainable development of Geographical Indications. Through these initiatives, governments actively preserve cultural heritage, support rural economies, and foster a global appreciation for region-specific products.

India has undertaken various initiatives to promote Geographical Indication (GI) protection and strengthen its agriculture sector. At the core of these efforts is the Geographical Indications of Goods (Registration and Protection) Act 1999, which offers legal protection to GIs and establishes a systematic registration process. The National Mission on Himalayan Studies is a strategic initiative concentrating on sustainable development in the Indian Himalayan Region, specifically emphasizing promoting and protecting GIs related to agricultural products. Complementing this, the One District One Product (ODOP) Scheme highlights local entrepreneurship by promoting and showcasing district-specific products. In alignment with these principles, the National Mission for Sustainable Agriculture actively promotes region-specific crops and advocates for sustainable agricultural practices. The Support to State Extension Program for Extension Reforms (ATMA) reinforces agricultural extension services, encouraging farmers to adopt best practices, including those related to products protected by GIs. The GI Promotion and Facilitation Cell, operating under the Department for Promotion of Industry and Internal Trade (DPIIT), aids stakeholders in filing GI applications and coordinates efforts to protect GIs. The National Institute of Agricultural Marketing (NIAM) plays a crucial role by conducting training programs that underscore the importance of branding and marketing for agricultural products, particularly those with GI status. Additionally, the Pradhan Mantri Fasal Bima Yojana (PMFBY) provides a safety net for farmers by offering crop insurance in the event of crop failure. This not only promotes risk management in agriculture but also supports farmers engaged in cultivating region-specific crops. Collectively, these initiatives foster a conducive environment for promoting and protecting GIs in India. They acknowledge the economic significance of region-specific agricultural products and actively encourage sustainable agricultural practices, contributing to the overall welfare of farmers and rural communities.

INITIATIVES TAKEN AROUND THE GLOBE

European Countries: European countries, particularly under the umbrella of the European Union, have instituted robust legal frameworks to safeguard Geographical Indications (GIs). The EU's GI system, governed by Regulation (EU) No 1151/2012 regulations, provides clear rules and procedures for registering and protecting GIs for agricultural products and foodstuffs. The EU distinguishes between two types of GIs - PDO (Protected Designation of Origin) and PGI (Protected Geographical Indication). PDO denotes products with all production phases occurring in a specific geographical area, while PGI signifies products closely linked to a specific region, incorporating at least one production phase. European countries use quality schemes and labels to reassure consumers of product origin and quality. PDO, PGI, and Traditional Specialities Guaranteed (TSG) labels signify adherence to specific geographic production standards, providing consumers with valuable information. Many European countries have established regional certification authorities overseeing the GI certification process. These authorities collaborate with producers to ensure compliance with quality standards and the preservation of specific production methods tied to geographic regions. The EU allocates funds through agricultural programs to support farmers and producers engaged in GI-certified products. This financial assistance promotes sustainable agriculture practices and maintains the high standards required for GI certification. European countries conduct promotional campaigns to raise consumer awareness of the importance of GIs. These initiatives highlight the unique qualities of region-specific products, fostering consumer understanding and support for local and traditional agricultural practices. Initiatives emphasize collaboration with local communities, ensuring that the benefits of GIs extend beyond producers. Producers, farmers, and communities collaborate to preserve traditional knowledge, cultural heritage, and sustainable agricultural practices tied to specific geographic regions. European countries actively engage in international cooperation to protect GIs globally. The EU supports the inclusion of GI protection provisions in trade agreements and collaborates with other countries to establish mutual recognition and protection of GIs, contributing to a global framework for GI preservation. Investments in research and development programs contribute to enhancing the quality and innovation of GI-certified products. These programs focus on sustainable agricultural practices, product diversification, and adapting traditional methods to modern standards, ensuring the continued success

of GI products in the market.²²

USA: In the United States, safeguarding the authenticity and quality of agricultural products stands out as a distinctive approach compared to other nations, especially those with dedicated Geographical Indication (GI) laws. Instead of relying on a specific GI framework, the U.S. employs a combination of existing intellectual property laws and other mechanisms to achieve similar goals. Notably, trademarks and certification marks serve as crucial instruments for protecting indications of origin and ensuring the quality and authenticity of agricultural products. One notable example in the U.S. agricultural landscape is the use of American Viticultural Areas (AVAs) for wines. AVAs function as specific geographical designations that indicate the origin of wines and contribute to the overall quality and reputation of the product. This regional labeling system, overseen by the Alcohol and Tobacco Tax and Trade Bureau (TTB), operates within the broader intellectual property legal framework. In contrast to countries with dedicated GI laws, the U.S. adopts a more flexible approach by incorporating geographical indications into its legal structure. This system allows for adaptability and innovation while addressing the core issues of product origin and quality. Moreover, the U.S. actively participates in international agreements under the Trade-Related Aspects of Intellectual Property Rights (TRIPS) framework. By aligning with TRIPS, the U.S. commits to protecting indications of origin and upholding specific standards for product quality on the global stage. While GIs may not play as central a role in the U.S. agricultural protection system as in some other jurisdictions, the established legal and international framework ensures the integrity and reputation of products associated with particular geographical areas. This approach reflects the dynamic nature of the U.S. legal system, which integrates various mechanisms to address the complexities of agricultural product protection within the context of intellectual property laws and international agreements.²³

Singapore: Singapore has implemented several initiatives to safeguard Geographical Indications (GIs) and bolster its limited agricultural sector. The Geographical Indications Act forms the legal backbone of these efforts, providing a robust framework for registering and protecting GIs. This legislation

²² Oecd. *Agricultural Policy Monitoring and Evaluation 2023 Adapting Agriculture to Climate Change*. OECD Publishing, 2023,

https://agriculture.ec.europa.eu/farming/geographical-indications-and-quality-schemes/geographical-indications-and-quality-schemes-explained_en

²³ Gogoi, Jupi. "Locked Out, Without a GI Tag." *The Hindu*, 4 Dec. 2021, <https://www.thehindu.com/opinion/op-ed/locked-out-without-a-gi-tag/article62112320.ece>

officially recognizes and preserves the unique identity of products linked to specific geographic origins, preventing unauthorized use and ensuring consumer trust in the authenticity and quality of region-specific products. Promoting local products, particularly those with GI status, is crucial to Singapore's strategy. This not only enhances the marketability of these products but also provides crucial support to local producers. By raising consumer awareness and appreciation for the distinctive qualities associated with specific geographic areas, Singapore seeks to strengthen the economic viability of its agricultural sector. In addition to domestic efforts, Singapore engages in international collaboration to foster the global recognition and protection of GIs. Through partnerships and agreements with other countries, Singapore contributes to developing an international framework for safeguarding GIs, benefiting its producers and global intellectual property rights cooperation. The Intellectual Property Strategy 2030 represents a forward-looking approach that includes a comprehensive plan for intellectual property, with a specific focus on GIs. This strategy aims to solidify Singapore's position as an intellectual property hub, recognizing the crucial role GIs play in fostering innovation, economic growth, and international trade. While emphasizing GIs, these initiatives are part of a broader commitment to supporting innovation and technology in agriculture. By encouraging advancements in farming techniques, sustainable practices, and technology adoption, Singapore aims to enhance its agricultural sector's overall productivity and competitiveness. In sum, Singapore's multifaceted approach, encompassing legal frameworks, promoting local products, international collaboration, and a forward-looking intellectual property strategy, collectively contributes to the protection and promotion of GIs within the country's unique context.

CONCLUSION AND SUGGESTIONS

In conclusion, utilizing Geographical Indications (GIs) provides a compelling avenue for India to safeguard and showcase the distinctive facets of its rich agricultural heritage. Beyond the theoretical benefits, incorporating practical aspects into implementing GIs is paramount for their effectiveness. Strengthening the legal framework surrounding GIs involves enacting robust legislation and ensuring its enforcement at regional and national levels. This requires active collaboration between government agencies, local authorities, and relevant stakeholders to monitor and protect the identified geographical indications. Engaging local communities in the process is another practical consideration. Empowering farmers, producers, and artisans with knowledge about GIs and involving them in registering and managing these indications can foster a sense of ownership and responsibility. Moreover, creating awareness campaigns at the grassroots level can educate consumers about the significance of GIs,

stimulating demand for region-specific agricultural products. Lastly, fostering international collaborations is crucial for expanding the reach and recognition of Indian GIs. Bilateral and multilateral agreements can facilitate the protection of GIs on a global scale, opening new avenues for export and economic growth. By integrating these practical aspects into the conclusion, India can fortify its commitment to preserving cultural heritage, ensuring economic growth, and enhancing the market value of its region-specific agricultural products through the strategic use of Geographical Indications.

Effectively exploring and showcasing the richness of Indian agriculture through Geographical Indications (GIs) demands a multifaceted strategy. Initiating inclusive certification programs ensures the participation of small-scale producers, while educational outreach at the grassroots level enhances understanding. Identifying essential products representing unique regional qualities, engaging local communities, and promoting eco-friendly practices form the foundation for GI recognition. To communicate cultural significance, raising consumer awareness is essential, and direct marketing through digital platforms facilitates market access for producers. Strengthening the legal framework with clear regulations and crisis response plans ensures credibility and protection. Collaborative research initiatives and enhanced intellectual property awareness contribute to ongoing efforts. Government incentives can encourage participation, and integrating technology, such as blockchain traceability, adds transparency. Capacity-building initiatives empower producers to maintain product quality, and strategic market access and promotion strategies, including partnerships with retailers and participation in international events, maximize the impact of GIs. By implementing these practical measures, India can unlock the full potential of GIs, preserving its agricultural heritage and fostering sustainable growth within local communities. In addition to the strategies mentioned above, there are several more practical suggestions to further strengthen the exploration and promotion of Indian agriculture through Geographical Indications (GIs). Collaborative branding initiatives involving partnerships with renowned chefs, restaurants, and culinary events can elevate the profile of GI products. Implementing quality control measures and certifications that align with international standards instills confidence in global consumers. Establishing dedicated GI promotion offices at regional levels can streamline the application process and provide localized support to producers. Fostering agri-tourism by showcasing GI-recognized regions and agricultural practices can create alternative revenue streams. Developing mobile applications that offer real-time information on GI products, their origins, and purchasing options can enhance consumer engagement. Supporting research on climate-resilient crops and sustainable farming practices ensures the adaptability of GI products to changing

environmental conditions. Lastly, incorporating traditional knowledge protection mechanisms within the GI framework acknowledges and safeguards indigenous agricultural practices, promoting a more holistic approach to agricultural heritage preservation. By integrating these additional practical suggestions, India can create a comprehensive and dynamic approach to leverage GIs to benefit its diverse agricultural landscape.

