

# Geographical Indication in India and Provision Under Intellectual Property Right: An Overview

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**Abstract** Geographical Indications maintains ancient knowledge and expertise and assists future generations in learning and protecting it. It contributes to human growth. Geographical Indications is a powerful instrument for increasing rural income and export earnings. The regulatory framework should place a greater emphasis on product testing criteria for brand creation in foreign markets. Everyone aware of the need of connecting to the roots of traditional knowledge, particularly in the health sector, and of preserving and protecting all sorts of intellectual property in this digital age. Intellectual property law protection will assist to reap advantage in terms of economic growth, employment, and revenue production. Geographical indication (GI) protection is provided to a set of producers who are associated with a

certain area where the item was initially created. GIs identify things depending on their origin, and various aspects such as climate, terrain, and human labour assist in determining the character of the Geographical Indications. The study seeks to comprehend and examine the function of protection of intellectual property rights, as well as public knowledge of them, in achieving social upliftment and rural development in India.

**Keywords:** Geographical Indications, Intellectual property, Economic growth, Development, Public knowledge

## Introduction

The term 'Geographical Indications' (GIs) entered international intellectual property (IP) law through its adoption in the World Trade Organization's Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) (WTO). GI refers to any indicator that distinguishes a product as being from a specific location,

when a given value, reputé, or other aspect of the good is mostly related to its geographical origin. India possesses a variety of GIs, both current and potential. Some of them, such as 'Darjeeling' (tea)<sup>1</sup>, 'Basmati' (rice), 'Alphonso' (mango), and so on, are already well-known over the globe.

These are exciting times for the modern economy and the preservation of traditional expertise. Plagiarism, piracy, and the abuse of information are perennial challenges in market economies as imitators seek ever-increasing profits. Protection of intellectual property rights becomes vital. Through IPR regulations, India has created a robust IPR system and has introduced numerous programmes such as 'Make in India' and 'Atmanirbhar Bharat.' It has become more important to safeguard copyrighted material as well as historical knowledge and skills from distinct geographical locations.

### **Geographical indications**

Geographical Indication differs from the other IPRs such as patents, trademarks, and designs. Location-Based Information. A few of producers from another region are completely protected. commodity originated. There are several variables of GI products, including site of origin, climate, geography, and human activities

in a specific geographical region. According to A geographical indication is defined as "an indication capable of identifying goods, including natural goods, agricultural goods, or manufactured goods, as manufactured or originating in a country's territory, or a locality or region within that territory, where a specific quality, reputation, or any other attribute of such good is particularly a personality" (Geographic Indications of Goods (Registration and Protection) Act of 1999, Section 2(1)(e)). The region should host yet another activity related to the preparation, production, or processing of goods, area, or location in the case of consumer products." The Indian Geographical Indications Act went into effect on September 15, 2003. In that case customer can be assure about the quality of goods by its originating and manufacturing in particular region<sup>2</sup>

In the Paris convention the word indications of source or appellations of origin has been given under article 1(2). Geographical Indication is the new term in Intellectual property rights in the term of protection.

### **Procedure for registration**

The method for making an application is outlined in The Geographical Indication of Goods (Registration and Protection) Act of

1999, Section 11. Any organization of individuals or producers, or any association or powerfully by that under any existing legislation to serve the interests of the manufacturers of the relevant products, shall make a written application to the Registrar in order to register a geographical indication in regard to such goods. The applicant must state in such a geographical indication application that the geographical indication serves to designate goods, in terms of specifying performance, reputation, or other character traits that are solely or primarily due to the natural location, with its inherent natural and cultural characteristics of human factors, and the production, handling, or packaging of the goods. The geographical map of the region, the place in which the items are originating or made, particulars surrounding the emergence of the geographical indicator, and particulars of the producers of the concerned goods should all be given in the application for registration<sup>3</sup>.

A few other geographical indications shall not be registered as geographical indications if their use is likely to cause confusion or deception, if they are found if they are found to be contrary to any constitution, if they contain outrageous or shocking matter, if they comprise or contain any matter likely to damage

religious delicate sensibilities, or if they are deemed to be generic names or signs that infer the existence of products, and as a result, no longer enjoy protection in the nation of origin, if they are found to be contrary to any law, if they contain obscene or scandalous matter, if they encompass or consist any issue likely to damage religious sensitive The rights of two or more authorised users of a geographical indicator that has been registered must be the same<sup>4</sup>.

### **Duration of registration**

The certification of a geographical indicator is valid for ten years and can be extended at any time<sup>8</sup>.

### **Infringement**

If an unauthorised user utilizes it to deceive someone about the geographical origin of something, shall infringe such registered geographical indication. Remedies for the infringement are given in section 67 of Geographical Indications of Goods (Registration and Protection) Act of 1999. Other than infringement there are provision of penalties in the said act If any person who falsifies any geographical indication, falsifies applies to goods, tampers or alters an indication of origin shall be punished with a fine and a sentence of imprisonment of at least six

months that may be increased to three years.

### **Challenges Ahead**

An effective execution and awareness of Geographical Indications among the public are the future difficulties in India. A strong legal structure that can prevent local and foreign rivals from replicating India's GI badges is essential. There have been several cases of global and local traders imitating GI brands like as Darjeeling tea and Banarasi textiles.

### **Product imitation**

Impoverished cheap knock offs are also made within India, mainly in the Surat district of the Indian state of Gujarat. Semi-pashmina/Silk-pashmina are near alternatives for genuine pashmina/Kashmiri shawls<sup>7</sup>.

### **Geographical Indications Enforcement**

Effective GI Act enforcement is a significant problem. The reason for this is that such things are sold in a variety of locations. Supervision and vetting of such outlets are a difficult issue in both local and overseas markets.

Commercialization through brand building and image creation in the eyes of customers is also a difficulty across the

world. Promotional marketing tactics that focus on the psychology of customers both within and beyond the country are required for this<sup>5</sup>.

In India, Geographical Indications is a powerful source of rural development. Let me illustrate this with the example of handloom weaving, which has historically been a source of income. Handlooms are an example of a traditional and ancestral skill and knowledge that suffered with the arrival of power.

In India, the handloom sector has its own particular identity throughout various areas. Now, Geographical Indications tags have the potential to resurrect the handloom sector and turn it into a source of rural employment and growth.

### **Conclusion**

It is a powerful instrument for increasing rural employment and export earnings. The regulatory framework should place a greater emphasis on quality control criteria for brand creation in foreign markets. In India, Geographical Indications is not widely used. As a result, there is a need to raise public awareness.

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