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# AN OVERVIEW OF GEOGRAPHICAL INDICATIONS IN INDIA

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**ABSTRACT:** Geographical indications have appeared quite recently in the landscape of Intellectual Property Rights (IPR's) in comparison with more classical concepts such as trademarks, patents and copyright. GI has evolved in order to provide protection for the indigenous knowledge in the agrifood sector without hampering the culture of free trade. This paper seeks to establish some clarity regarding the protection that can be provided through GI. Also has explained the rationale behind the official recognition of GI i.e. to reduce the asymmetry of information between the producers and the consumers. This paper has also dealt with providing overview of Geographical Indication (GI).

**Key words:** Geographical Indication (GI), IPR and Trademarks

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## 1.0 Introduction:

Geographical Indication (GI) is a sign used on a product that originates from a specific geographical location. The product must possess reputation and qualities of the place of origin. GI are generally registered on products produced by rural, marginal and indigenous communities over generations that have garnered massive reputation at the international and national level due to some of its unique qualities. GI tag gives the right to only those registered users the right to use the product name, and prevents others from using the product name that does not meet the standards prescribed. Presently, in India the Geographical Indications (GI) have emerged as an important form of Intellectual Property Rights (IPR) issue. GI provides the producers of a region the exclusive right to use the indication for their products originating from that region. It also means that they have the right to prohibit any unauthorized use or imitation of the sign on a product that is not from the designated area or which does not have the qualities guaranteed by the GI.

Government of India enacted Geographical Indications of Goods (Registration and Protection) Act, 1999. This act came into force in September, 2003.

## 2.0 Geographical Indication Registered Products in India

As of March 2020, India had registered 361 Geographical Indication Products. Registration of GI's began in the year 2004-05 after the above mentioned law came into effect in 2003. Darjeeling Tea of West Bengal was the first product to receive the GI tag in India. Both the product and the logo received the GI tag. In the first year apart from Darjeeling Tea, the other products to receive GI tags were Aranmula Kannadi a Handicraft from Kerala, Pochampalli Ikat a Handicraft from Telangana.

The latest 4 products to receive GI tags were Dindigul Locks, manufactured product from Tamil Nadu, Kandangi Saree a handicraft of Tamil Nadu, Srivilliputtur Palkova Food stuff of Tamil Nadu, and the 361st GI product (the last product to receive GI Tag as of March 2020), is Kaji Nemu an agricultural product of Assam. Out of 361 GI products registered in India, 15 products are originating from 9 different countries – Italy, France, UK, USA, Ireland, Mexico, Thailand, Peru, Portugal.

### 2.1 Geographical Indication States in India

1. Karnataka has the highest registered GI products in India. It has 42 GI products.

2. Tamil Nadu has the 2nd highest GI registered products. It has 35 GI products.

3. Maharashtra has the 3rd highest GI registered products. It has 30 GI products.

4. Jharkhand has no GI's registered.

5. Haryana and Punjab does not have GI products registered under its name individually.

3.0 Need for Geographical Indication (GI) and protection

Registering Geographical Indication is always beneficial as the owner can prevent others from unauthorized usage or from commercializing of the registered product. However the registration of GI is not mandatory in India, unregistered GI are protected under passing off cases, but it's always advisable to register the geographical origin as no further proof is required.

### 3.1 Who can apply for GI?

Geographical indication is generally owned by a community. Any organization or association of people established under law can apply for geographical indication in prescribed format indicating the interest of the producers of the concern goods.

### 3.2 What does not qualify for GI?

The following are the geographical indications that cannot be registered in India:

i. Things which are determined to be generic names or indications of goods and are, therefore, not or ceased to be protected in their country of origin, or which have fallen into disuse in that country

ii. Things which comprise or contain any matter likely to hurt the religious susceptibilities of any class or section of the citizens of India

iii. Things which would otherwise be disentitled to protection in a court

iv. The use of which would be likely to deceive or cause confusion

v. The use of which would be contrary to any law for the time being in force

vi. Things which comprise or contain scandalous or obscene matter

vii. Things which although literally true as to the territory, region or locality in which the goods originate, but falsely represent to the

persons that the goods originate in another territory, region or locality, as the case may be.

### 4.0 Guidelines for filing of geographical indication application

The purpose of this guideline is to give elementary information for filing of an application. The guidelines are subject to requirements of the Act and Rules. An application for registration of a geographical indication is to be made in writing using a replica of the official application Form GI-1 for the registration of a Geographical Indication in Part A of the Register by an Indian applicant; Form GI-2 for a convention application; an application for goods falling in different classes by an Indian applicant in Form GI-3 and an application for registration of goods falling in different classes from a convention country in Form GI-4 along with prescribed fee and should be addressed to the "Registrar of Geographical Indications", Chennai. The application should include the various requirements and criteria for processing a geographical application as specified in Rule 32(1).

### 5.0 Benefits of Registration of Geographical Indications

1. It confers legal protection to Geographical Indications in India,

2. It prevents unauthorized use of a registered Geographical Indication by others.

3. It boosts exports of Indian Geographical indications by providing legal protection.

4. It promotes economic prosperity of producers.

5. It enables seeking legal protection in other WTO member countries.

### 6.0 Challenges and Problems in the Post GI Act and rules

The Government of India has established the Geographical Indications Registry with all-India jurisdiction at Chennai, where the GIs can be registered. Authority's claim that this Act has two key characteristics; (i) protection of

producers against counterfeiting and misleading commerce, and (ii) striking of balance between trademark and GI protection. According to this Act, once a GI is registered, any person claiming to be the producer of the good designated by the registered GI can file an application for registration as an authorised user. The GI Act is to be administered by the Controller General of Patents, Designs, and Trademarks – who is the Registrar of GIs. The registration of a geographical indication is for a period of ten years. Renewal is possible for further period of ten years. If a registered GI is not renewed, it is liable to be removed from the register.

### **7.0 Conclusion :**

India is in evolving era of the new upcoming intellectual property i.e. geographical indications. Total registered geographical indications are gradually increasing year by year. Odisha is one of the states coming up as a potential player in this area. For Karnataka, number of other GI applications can be filed in the fields of Manufacture, Food stuff, textiles and Natural Goods. To be qualified as a GI, a product or service may be described and designated as such only where specific aspects of that geography contribute to its uniqueness. This creates the intrinsic link between the product and the geographic location and is very critical when it comes to identification of GIs.

### **REFERENCES:**

Das, K. (2006a) ‘International Protection of India’s Geographical Indications with Special Reference to “Darjeeling” Tea’, *Journal of World Intellectual Property*. 9(5), 459–95.

Das, K. (2009) ‘Unresolved Issues on Geographical Indications in the WTO’, in C. M. Correa (ed.), *Research Handbook on Intellectual Property Law and the WTO*. Edward Elgar Publishing, Cheltenham (forthcoming)

Ganguli P, WTC Research study Report Geographical Indications its evolving controls, Jan. 2009, p.4

Gopalakrishnan, N. S., Nair, P. S. and Babu, A. K. (2007) *Exploring the Relationship between Geographical Indications and Traditional Knowledge: An Analysis of the Legal Tools for the Protection of Geographical Indications in Asia*, International Centre for Trade and Sustainable Development (ICTSD), Geneva.

<http://www.wipo.org/athome/en/index.htm>  
> (Last accessed on 10.01.2014)

Kasturi D, *Socio-Economic Implications of Protecting Geographical Indications in India*, August 2009, Centre for WTO Studies, p.6.

Rangnekar, D. (2004). *The socio-economics of geographical indications*. UNCTAD ICTSD Project on IPRs and Sustainable Development, Issue Paper, 8.