



Research Paper

## Geographical Indications of Products in the Global Level and Challenges of India

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**ABSTRACT:** A geographical indication (GI) is a symbol used on goods with a specific geographical origin. The sign used in the specified goods possesses qualities, reputation or characteristics attributable to their place of origin. The GI symbol or identity applies to various natural, agricultural, or manufactured products. Such identification conveys an assurance of quality and uniqueness attributable to its origin in a particular geographical locality, region or country. GIs confer to their legitimate users the exclusive rights to use this distinctive designation, which grants it additional economic value. With this GI recognition, the product gains reputation and goodwill worldwide, leading to premium prices in national and international markets. The economic benefits of GI recognition are not just significant, but crucial for a country like India, which is primarily agriculture-oriented. Unfair business practices that violate geographical indications lead to loss of revenue for the genuine owners of the GI and India. If the GIs are not adequately protected, then they may be exploited by dishonest commercial operators. This article highlights the challenges faced by India in getting maximum registrations of GI, and the potential economic benefits that could be unlocked with successful GI recognition.

**KEYWORDS:** Bench Marking, Consistent Positioning, Copy Right, Intellectual Property, Patent, Trade Mark.

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### I. INTRODUCTION

Manufacturing a product is not just about the idea, information, object, materials, method, and service. It's about serving a need or satisfying a want. But to become a finished product, it must undergo systematic processes. A product has attributes like features, functions, utilities, and benefits that a seller offers a buyer to influence the purchase of a product. This article delves into a crucial aspect of product manufacturing-geographical indications of products, a topic of immense importance in the context of intellectual property rights and economic development in India.

All businesses are related to the production of products and the rendering of services. Hence, a company should consider the nature of its product to achieve success. The first component of the marketing mix is the product. It is the primary contributor to a company's marketing design. However, a customer recognises a product based on its unique features. These features include utility, size, colour, packing, brand, price, etc.

In brief, a company must choose the right product to sell in the right place and time. Company image, brand image, and product image influence the consumer to select the product for consumption. In particular, there is one more factor for creating an image for the product. That is the Geographical Indication (GI) of the Product. With the mark of Geographical Indication, a consumer can quickly identify the product and differentiate it from other alternatives in the market. "In China, GIs have increased farmers' incomes and helped reduce rural poverty" [1].

"Geographical indications are by no means a panacea for rural development difficulties. They can, however, offer a comprehensive framework for rural development since they can positively encompass issues of economic competitiveness, stakeholder equity, environmental stewardship, and socio-cultural value" [2].

#### What is GI?

Geographical indications are marks used on products to differentiate them from others. They represent a specific geographical origin and carry qualities or reputations associated with that place. "Geographical indications have long been associated with the concept of 'terroir' and with Europe as an entity with a tradition of associating certain food products with particular regions. Under European Union Law, the Protected

designation of origin framework, which came into effect in 1992, regulates the following systems of geographical indications: 'Protected Designation of Origin' (PDO), 'Protected Geographical Indication' (PGI), and 'Traditional Specialities Guaranteed' (TSG)" [3].

Likewise, to get Geographical Indication recognition, a sign must identify to authorise a product as originating from a particular place. In addition, the product should possess qualities, features, and reputation of the place of origin. There is a clear correlation between a product's quality and its production origin.

Countries should, therefore, properly plan and manage the establishment of geographical indications (GIs). GIs will attract premium prices for products in the global market and create a reputation for the product and the country. In brief, GIs will help coordinate a country's agricultural and rural development.

### **Unique Attributes of Products**

The product's specific place of origin is one of many considerations when obtaining the GI mark. Using geographical indications (GIs) can transform unique physical attributes of products into product differentiation. Subsequently, these unique physical attributes form the basis for value-giving features upon which GIs developed.

"The use of geographical indications is not limited to agricultural products. Geographical indications may also highlight specific product qualities due to human factors found in the product's place of origin, such as specific manufacturing skills and traditions. For example, handicrafts are generally handmade using local natural resources and usually embedded in the traditions of local communities" [4].

### **Localisation of GI**

Consequently, GIs are related to local and global sentiments. Geographical Indication products and services participate in international markets while representing their local cultures and values.

"A geographical indication may be used by all persons who produce the good according to specified standards in the area of origin. However, because of its link with the place of origin, a geographical indication cannot be assigned or licensed to someone outside that place or not belonging to the group of authorised producers" [5].

Accordingly, geographical indications are instrumental in helping rural development, which can quickly advance commercial and economic interests. Hence, they can impact supply chains without spoiling local values, culture, and tradition. Finally, GIs can, jointly with other products and services, create business clusters and rural integration in a particular region.

"The WTO Agreement on Trade-Related aspects of Intellectual Property Rights (TRIPS) defines 'geographical indications' as indications that identify a good as originating in the territory of a member, or a region or locality in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographic origin" [6].

### **Components of GI**

Getting approval for GI marking takes much work. Naturally, the Geographical Indications brand will give faith and confidence to consumers. However, the international body approves geographical indications and seeks complete eligibility requirements. In short, for GI to be recognised, it should possess four components. They are:

**Organisational Structure:** A practical organisational framework is essential for maintaining, selling, and monitoring geographical indications. Therefore, they have to find perfect geographical indications that represent the product. Hence, local bodies are encouraged to create a framework for a plan to protect and market products with geographical indications. A long-term commitment system is necessary for farmers to participate with government support in identifying and introducing GI products.

**Mutual and Equal Sharing:** The producers and companies that have the business of products with geographical indications in a particular region should share knowledge equally. Similarly, the cost of production and the return on the sale of GIs are shared equitably. Control and decisions regarding their public asset in the particular region are also shared equally. "It is worth mentioning that a protected geographical indication does not entitle the holder to prevent someone from making a product using the same techniques used in the standards for that indication" [7].

**Consistent Positioning:** Additionally, it is essential to establish the geographical indications of products in the market from a long-term perspective. Thus, market partners are committed to mutually agreed-upon business relations. Many market successes are due to continuous and consistent market positioning. As a result, effective commercialisation by marketers of GI products led to a long-term market presence.

**Legal Protection:** Consequently, solid legal protection with feasible provisions is a must for maintaining a perfect Geographical Indication system. Above all, legal protection should efficiently judge and enforce rules to reduce fraudulent activities in the trade. Legal protection will protect the GI's reputation and social validity.

### Approval Status of Geographical Indications

WIPO-World Intellectual Property Organization is the approval authority of Geographical Indications. It is one of the 15 specialised agencies of the United Nations created on 14 July 1967. It currently has 193 member states and is headquartered in Geneva, Switzerland. It is working to approve and promote the protection of GI status worldwide.

Many international treaties protect geographical indications or appellations of origin. The Standing Committee on the Law of Trademarks, Industrial Designs, and Geographical Indications (SCT) is a platform where member states of WIPO discuss policy and legal matters related to the global development of regulations and standards concerning Trademarks, Industrial Designs, and Geographical Indications.

The WIPO and WTO have established various laws and treaties to protect Geographical Indications (GIs).

Three main treaties enacted for the protection of GIs under WIPO are:

1. Paris Convention
2. Madrid Agreement, and
3. Lisbon Agreement.

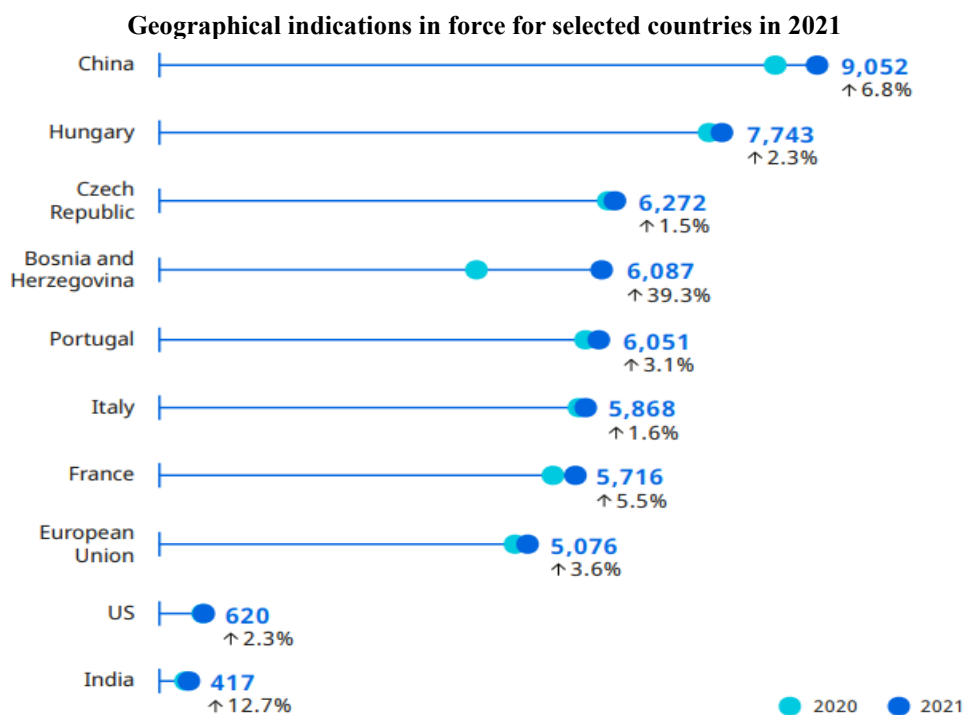
The main Agreement under WTO for the protection of GI is:

1. TRIPS Agreement

## II. GLOBAL STATUS OF GEOGRAPHICAL INDICATIONS

The European Union and the United States are the largest markets for GI products. China and Hungary are the leading countries in the supply of registered GI products. “According to WIPO, World Intellectual Property Indicators 2023, with data received from 91 national and regional authorities, there were an estimated 58,400 protected GIs in existence in 2022. Of the 58,400 GIs in force in 2022, upper middle-income economies accounted for 46.3 per cent of the world's total, followed by high-income (43.1%) and lower-middle-income economies (10.6%). In terms of regional distribution, Europe had the most GIs in force, amounting to 53.1 per cent, followed by Asia (36.3%), Latin America and the Caribbean (4.3%), Oceania (3.6%), North America (2.6%), and Africa (0.1%). GIs need protection through many different means, Swigeneris systems, trademark systems, other national legal means, regional systems and international agreements (e.g., Lisbon and Madrid systems)” [8].

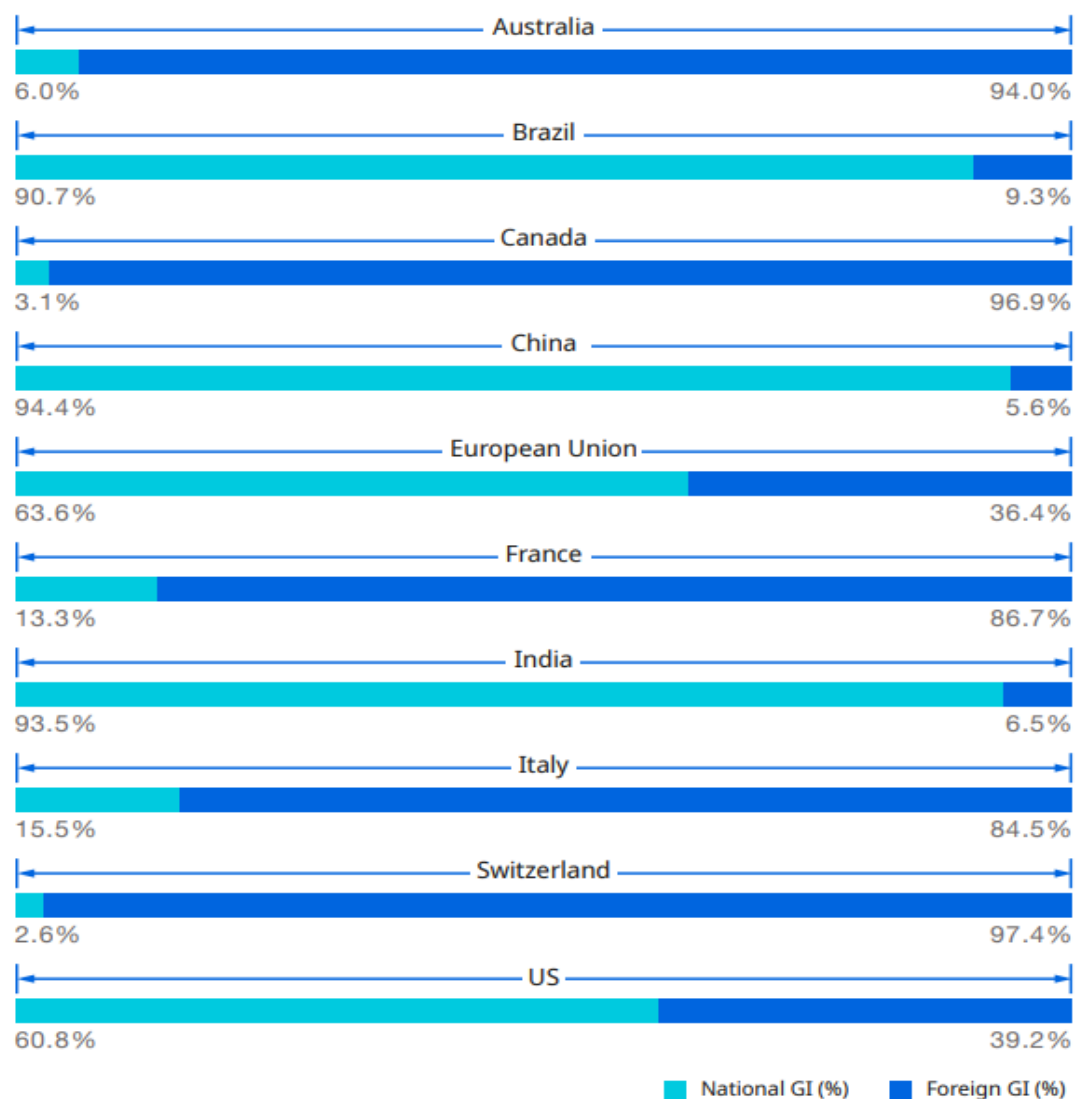
One hundred sixty-seven countries have protected GIs as intellectual property, and 111 countries (including the EU 27) have specific Geographical Indication laws. Fifty-six countries use a trademark system in addition to particular Geographical Indication protection laws. These countries have special certification marks, collective marks, or trademarks to protect GIs.



Source: WIPO Statistics Database, September 2022.

In 2021, China (9,052) had the most geographical indications (GIs) in force within its territory, followed by Hungary (7,743), the Czech Republic (6,272) and Bosnia and Herzegovina (6,087). The high rankings EU countries achieved is that the EU regional system enforces 5,076 GIs in every member state. In addition, some EU member states, such as the Czech Republic and Italy, are party to the Lisbon System; therefore, GIs in force via the Lisbon System (1,052 appellations of origin and GIs, excluding domestic and refusals) are also included in the total.

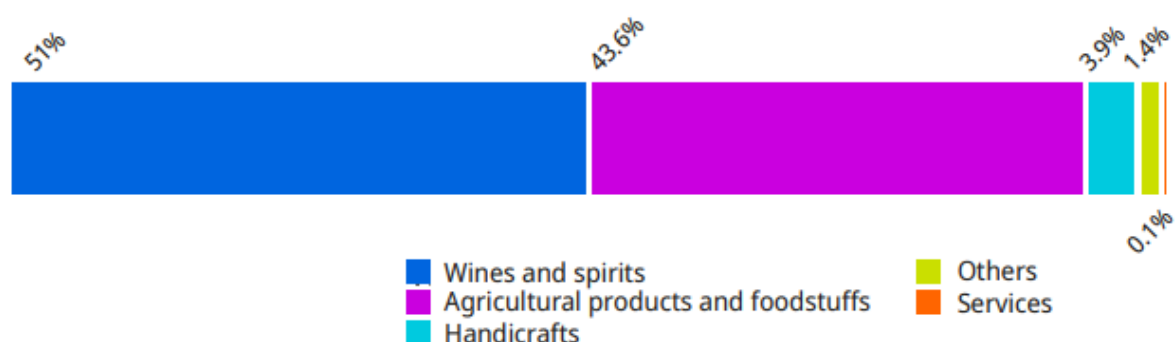
**Distribution of GI in force by National and Foreign Authorities in 2021**



Source: WIPO Statistics Database, September 2022.

Several authorities provided GIs data broken down according to source (i.e., national or foreign GIs). The share of national GIs ranged from as low as 2.6 per cent in Switzerland to as high as 94.4 per cent in China. More than 90 per cent of GIs in force in Brazil (90.7%), China (94.4%) and India (93.5%) were national GIs, whereas nine out of 10 GIs in force in Australia (94%), Canada (96.9%) and Switzerland (97.4%) were foreign GIs.

**Geographical indications in force by product category, 2021**



Source: WIPO Statistics Database, September 2022

GIs relating to wines and spirits (51%) accounted for just over half of the 2021 world total, while agricultural products and foodstuffs accounted for 43.6 per cent and handicrafts 3.9 per cent of the total. In terms of absolute numbers, Bosnia and Herzegovina (6,070) had the highest number of GIs in force for agricultural products, Portugal (3,846) for wines and spirits and Switzerland (425) for handicrafts in 2021. Numerous products have been successfully identified as geographical indications (GIs) worldwide. The following lists the number of approved GI products in force in different countries.

**Geographical Indications in Force in Global Countries in 2021**

Country	Geographical Indications in Force
Albania	1064
Andorra	7
Argentina	114
Armenia	3228
Australia	2067
Austria	5265
Azerbaijan	42
Bangladesh	6
Belarus	35
Belgium	5076
Bosnia and Herzegovina	6087
Botswana	1
Brazil	97
Bulgaria	5888
Cabo Verde	2
Cambodia	7
Canada	849
Chile	1145
China	9052
China, Hong Kong SAR	52
China, Macao SAR	22
Colombia	157
Costa Rica	1063
Cote d'Ivoire	10
Croatia	5079
Cyprus	5076
Czech Republic	6272
Denmark	5076
Dominican Republic	978
Ecuador	141
El Salvador	29
Estonia	5082
Ethiopia	11
European Union	5076
Finland	5076
France	5176
Georgia	4429
Germany	5658
Greece	5108
Honduras	45
Hungary	7743

Iceland	1082
India	417
Indonesia	108
Iran (Islamic Republic of)	584
Ireland	5076
Israel	930
Italy	5868
Jamaica	4
Jordan	6
Lao People's Democratic Republic	8
Latvia	5076
Lithuania	5076
Luxembourg	5077
Malaysia	104
Malta	5079
Mexico	1691
Mongolia	39
Mozambique	4
Netherlands	5076
New Zealand	24
Norway	37
Pakistan	1
Panama	121
Peru	1110
Poland	5076
Portugal	6051
Republic of Moldova	4600
Romania	5076
Russian Federation	376
Serbia	1014
Singapore	142
Slovakia	6112
Slovenia	5076
Spain	5076
Sweden	5076
Switzerland	4342
Thailand	170
Trinidad and Tobago	1
Türkiye	981
Ukraine	3124
United Kingdom	4157
United States of America	620
Venezuela (Bolivarian Republic of)	8
Vietnam	1980
<b>World Total</b>	<b>63600</b>

Source: WIPO Statistics Database, September, 2022

The above table shows the contribution of all countries in the year 2021 towards the supply of several GI products worldwide. The table shows only the count of GIs of the countries and exempts all the figures for patents, trademarks, designs, and many more. As per the data published in 2022, China occupies Rank 1, Hungary ranks 2, and the Czech Republic occupies Rank 3 in producing more GI products at the global level. Many countries without registered GIs can still be listed. Some countries contribute 1,000s of GI products, while others contribute only a single digit of GI products.

In short, to get approval for the Geographical Indication of a product, it is necessary to differentiate it from other products. Geographical Indications give a more valuable competitive advantage to the Geographical Indication products. Establishing GI tags is very much needed. However, it requires a patent application and sustained commitment.

### **III. GI PRODUCTS AND THEIR CHALLENGES IN INDIA**

The Indian Parliament passed the Geographical Indications of Goods (Registration and Protection) Act in December 1999. The Controller General of Patents, Designs and Trademarks and the Registrar of Geographical Indications administer the Act.

“The traditional Lanjia Saura Paintings, the exquisitely embroidered Dongria Kondh Shawl, the delicious Khajuri Guda from Odisha and the Handmade carpets and Wancho Wooden craft from Arunachal Pradesh were among the 17 products that bagged the Geographical Indication (GI) tag. The Nayagarh Kanteimundi Brinjal, a vegetable crop with many prickly thorns on the flesh and the whole plant grown in the



Nayagarh district of Odisha, also received a tag. The other products that were given a GI tag are West Bengal's Kalonunia Rice, West Bengal's Sundarban Honey, Gujarath's Kachchhi Kharek, Jammu & Kashmir's Ramban Anardana, Koraput Kalajeera rice and the Arunachal Pradesh Adi Kekir (Ginger)" [9].

As of January 2024, over 540 products from India have been awarded GI tags. GI tag came into force on 15 September 2003 in India. Darjeeling Tea became the first Indian product to receive a Geographical Indication (GI) tag. Kerala state has topped the list of states in India with the most significant number of products securing the GI tag in 2022-2023. "In India, if one thinks of Tirupati or Nagpur, laddus and oranges often come to mind. Both these products have GI tags. Over 500 products across all the states have been given GI tags so far" [10].

After the Government of India passed the law, registration of GIs began in India in 2004-05. In the first year, apart from Darjeeling Tea, the other products to receive GI tags were Aranmula Kannadi, a Handicraft from Kerala, Pochampalli, and Ikat, a handicraft from Telangana. Other products to GI tags were Dindigul locks, a manufactured product from Tamil Nadu; Kandangi Saree, a handicraft of Tamil Nadu; Srivilliputtur Palkova (foodstuff) of Tamil Nadu; and Kaji Nemu, an agricultural product of Assam.

Indian sweets that got GI Tags are Mihidana, which originated in West Bengal and received a GI tag in 2017. Dharwad Peda is a sweet named after its place of origin, Dharwad, Karnataka. It received its GI tag in 2007. Rasagulla is a world-famous sweet that originated in West Bengal and received its GI tag in 2017. Sitabhog is also a sweet dish from West Bengal, and it got its GI tag in 2017. Kovil Patti Kadalai Mittai is a renowned sweet dish from Kovilpatti, Tamil Nadu got its GI tag in 2017. Silao Khaja is a sweet dish that received a GI tag in 2018. Bebinca is a sweet that received its GI tag in 2023. Srivilliputtur Palkova is a milk sweet from Tamil Nadu and received its GI tag in 2019. Goan Khaje sweet originated in Goa and got a GI tag in 2020.

The Similipal Kai Chutney is a unique condiment made from red weaver ants by the tribal people residing in the Mayurbhanj district of Odisha. This delicacy was recently granted the Geographical Indication (GI) tag on January 2, 2024. Similarly, the Gucci mushroom, known to be one of the world's most expensive mushrooms, was also awarded the GI tag from the state of Jammu & Kashmir in India.

When a product originates from multiple states, the label will list India as the source. Some examples are:

- Phulkari Handicraft – Origin from Punjab, Haryana, and Rajasthan
- Warli Painting – Maharashtra, Gujarat, and Daman & Diu
- Malabar Robusta Coffee – Kerala and Karnataka

"33 foods from other parts of the world have registered their GI status in India. Some products such as Champagne, Scotch, Tequila, and certain cheeses are associated with specific regions and are accepted for their quality without question, like Cognac from France and Tequila from Mexico" [11].

### **GIs – Role of States in India**

In India, the GI Registry is responsible for issuing GI tags issued by the Department of Industry Promotion and Internal Trade, Ministry of Commerce and Industry.

"Ladakh, after the GI tag for Apricot (Raktsey Karpo), Pashmina, and Ladakhi Wood Carving, the GI registry has officially granted the GI tag to the Department of Industries & Commerce, Ladakh and approved it as the Registered proprietor for 'Ladakh Sea buckthorn' in class 31" [12].

"Ladakh has four GI products, which are known as invaluable treasures in India. Some examples of GI tags in India are Darjeeling Tea, Odisha Rasagulla, Mysore Betel Leaf, and Kashmir Saffron" [13].

**Contributions of Indian States with GI Tags in 2024**

S.NO	STATE	RANK	GI PRODUCTS
1	Andhra Pradesh	9	18
2	Arunachal Pradesh	13	8
3	Assam	11	11
4	Bihar	10	16
5	Chhattisgarh	14	7
6	Goa	12	10
7	Gujarat	9	18
8	Himachal Pradesh	12	10
9	Jammu & Kashmir	10	16
10	Jharkhand	18	1
11	Karnataka	3	47
12	Kerala	4	35
13	Ladakh	16	4
14	Madhya Pradesh	8	20
15	Maharashtra	5	32
16	Manipur	15	6
17	Meghalaya	17	2
18	Mizoram	14	7

19	Nagaland	16	4
20	Odissa	7	25
21	Pondicherry	17	2
22	Rajasthan	8	20
23	Sikkim	18	1
24	Tamil Nadu	1	58
25	Tripura	17	2
26	Telangana	10	16
27	UP	2	54
28	Uttarakhand	6	26
29	West Bengal	6	26
30	India (Combined States)	-	13

Source: Compiled from GI Registry, Department for Promotion of Industry and Internal Trade, Government of India, updated on 11.01.2024.

Tamil Nadu has the highest registered GI products (58) in India. Uttar Pradesh has the second highest GI products (54) in India. Karnataka has the third highest GI products (47). Jharkhand and Sikkim have only one registered GI product. Haryana and Punjab have yet to register GI products individually under their names.

A GI is a public property of a particular area or state. It shall not be assigned, transferred, pledged, or mortgaged to others. If an authorised user of the GI tag passes away, their right is transferred to their successor in title. The registration of a GI is valid for ten years, but it can be renewed periodically for an additional ten-year period each time.

The GI Registrar, responsible for issuing the GI tag, can remove the GI or an authorised user from the registry. If a complainant applies, the registration of an accused person's GI can be cancelled after they have been found guilty. This process is in place to avoid tagged product duplication and offer legal protection to GIs throughout India. The GI tag is awarded to products of superior quality, which boosts customer satisfaction and opens up international opportunities for producers. The premium quality of GI products can increase producer revenue and create job opportunities in the region.

### **Challenges of India**

In India, awareness about GI registration is moderately rising. The Government of India enacted the Geographical Indication Act in 1999 to encourage manufacturers to produce more GI tag products. This Act protects them from misleading and unauthorised GI users and encourages more Indian GI products to reach the international market. However, many factors restrict the implementation of the objectives of the GI Act in India. India faces a multi-level of struggles in obtaining benefits from GI products.

Most of India's states and union territories have registered for GI products. However, the participation of states in the GI registration needs to be more evenly distributed. Some states have more than twenty product registrations. Contrary to this, some states have at least ten product registrations. The Government of India is trying to encourage the poorly contributing states and union territories in GI registration. Benchmarking efforts may be referred to poor-performing states about the strong GI holding states. This mission will allow India to remove the regional imbalance in GI registration among the states and achieve some great heights without disparity in the state's contribution.

Another aspect of concern here is the categories of the GI products. Products falling under specific categories are allotted the GI tag.:

- Agricultural products
- Natural products
- Manufactured items
- Textiles
- Handicrafts and foodstuffs

Unfortunately, most GIs registered in India only fall under the handicraft and agricultural product categories. The remaining categories, like natural products, manufactured items, textiles, and food items, are least covered by Indian states that favour GI registration. This drawback can be rectified by the government of India, which will have an expert team to find GI products available in all the categories of all the states and union territories of India. All state governments must be encouraged to identify new GI products in their region to exploit their potential.

Another challenge in India is that the majority of the Indian farmers and producers are illiterate and ignorant. Still, rural people need to learn about GI registration. Recognition of their produce in the market and protection of unique GI with their products are not part of their purview. This less awareness about the GI among the common public is a significant hurdle in its growth in India. Some other persons in GI registration will misuse this ignorance of the producers. The government of India has to identify the cluster of people who are dealing with potential GI products. This cluster group is to be coordinated by the Government of India to



achieve the common goals of GI identification, recognition and registration. They can educate the public to increase awareness of geographical indications.

“Regrettably, unlike other forms of IP offices for trademarks and patents situated in different places, copyright and GI offices are situated in only one place. The copyright office is in Delhi, and the GI registry office is in Chennai. It is worth appreciating that the Government of India has also introduced an online portal for IP services. Like other forms of IP, we can apply for GI online. But, despite this fact, when it comes to individual caring either at examination stage or opposition, it makes it difficult for producers from other states far from Chennai to visit the registry office” [14].

#### IV. CONCLUSION

Finally, the GIs respect the products and enhance their economic value in the market. As the market conditions in the developed countries have sophisticated practices, Indian producers of GI products feel disabled and have less knowledge and information. It is the right time for the Government of India to encourage Indian corporates to create more awareness among the public about GI Recognition and Registration, which should be included as part of their Corporate Social Responsibility. The government has to identify experts from strong GI states and help the poor-performing states contribute more to identifying and registering GI products. This government effort will improve India's economic status and bring more achievements. This will help India achieve more laurels in accomplishing the mission “Vikshit Bharat 2047”.

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