
CONTEMPORARY CHALLENGES IN GEOGRAPHICAL INDICATIONS: SAFEGUARDING LOCAL HERITAGE THROUGH INTELLECTUAL PROPERTY RIGHTS IN TODAY'S GLOBAL ECONOMY

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ABSTRACT

In an interconnected world, the preservation of cultural heritage and traditional products has become both a necessity and a challenge. Intellectual Property Rights (IPRs), particularly Geographical Indications (GIs), provide a critical framework to safeguard heritage-based goods while enabling local communities to compete in the global marketplace. This paper explores the contemporary challenges in geographical integration by examining the role of IPRs, international agreements, and community participation in protecting local heritage. Through global case studies—including wine regions, cheese varieties, and handicrafts—it identifies the economic and cultural significance of GIs while highlighting enforcement difficulties such as counterfeiting, legal fragmentation, and digital misuse. Finally, it proposes policy recommendations and future directions, emphasizing the balance between tradition and innovation.

Keywords: Geographical Indications, Intellectual Property Rights, globalization, cultural heritage, counterfeiting, local economies, policy frameworks

1. Introduction

The concept of geographical indications (GI) and the contemporary challenges in their protection within the intellectual property rights high-light some salient traits of the economical globalization of our times. The well known hypothesis that, in the course of the economical development of a country, it is the very property- rights that gradually expand—starting from the rights over capital property and over personal property, and reaching the rights over immaterial properties—is seen here from another perspective. In the contemporary conditions of economical globalization, along with the obvious advantages provided by the shared use of appreciable human and material resources—which leads to a more efficient productive specialization and to the existence of richer commercial exchanges are also present the risks associated with the removing of certain frontiers. Under the conditions of the almost-total free circulation of commercial products, such a mechanism creates, zones in which specific cultural and economical value determinations are lost or damaged if it is not accompanied by the protection of distinctive historical and cultural marks associated with the product origin.

2. Understanding Geographical Indications

Recognized as a type of intellectual property, geographical indications identify goods as originating in a specific region where a distinctive quality, reputation, or other characteristic is essentially attributable to its geographic origin. An indication may conflict with a trade name used by a producer in another country for dissimilar goods. Under the Paris Convention, any association between a proposed indication and a protected trade name in another country should not be prevented from registering a geographical indication. The TRIPS Agreement does not make any provisions for trademark owners in respect of geographical indications, and provides only a very limited exclusion for trade names.

Today, most countries protect geographical indications through sui generis registration systems. Geographical indications are a very popular form of intellectual property. The popular success of Geographical Indications is partially attributed to globalization. The term globalization describes the processes by which economies in various countries become more open to international trade and investment. Much of the trade good now make transit around the world, and countries engage in international commerce on an unprecedented scale. Governments and peoples of the world have tended to view these process as enlarging economic prosperity, and as fostering positive interaction among peoples of the world. Further,

cultural exchanges help to foster tolerance and understanding among nations. However, it may be observed that economic globalization often has a disquieting dimension. While economic globalization may enlarge the prosperity of most countries, it may also wreak havoc on a few.

2.1. Definition and Importance

Recent challenges have emerged in the field of geographical indications (GIs) owing to the spread of capitalist market economic globalization throughout the world. Worldwide pop cultural perception steadily disparages ancestral and archaic traditions. However, many communities remain attached to their traditional customs and habits, believing that globalization should be perceived as an opportunity rather than a threat. Toward this end, GIs play a crucial role in preserving, protecting, commemorating, and enhancing local-product-specific heritage. These standards lay the foundation for all communities' aspirations to gain protection from dumping and unfair competition via GIs. However, the current international framework governing the protection of geographical indications is weak and full of loopholes, resulting in several challenges related to dumping in the market despite GI protection.

2.2. Historical Context

Although GIs rank among the oldest types of intellectual property rights (IPRs), the risks to geographical regions have heightened with economic globalization. Early international agreements on IPRs commenced in 1886 with the Paris Convention for the Protection of Industrial Property. The Madrid Agreement (1891) established the International Deposit of Marks and the International Register of Marks. Subsequently, the Nice Agreement (1957) and the Stockholm Agreement (1967) created the Nice Classification and the International Classification System for the Figurative Elements of Marks, respectively. The first major treaty concerning local products was the Lisbon Agreement (1958), which focuses on the Protection of Appellations of Origin and their International Registration. The Agreement Establishing the World Trade Organization (WTO Agreement), which came into force on 1 January 1995, brought the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement). Part II of the WTO Agreement details the Basic Principles and Disciplines of Trade. Specified in Part III is Article 22, which requires Members to establish protection for GIs as part of WTO Members' obligations under the TRIPS Agreement.

3. Intellectual Property Rights Framework

Geographical indications are closely linked to a variety of formal intellectual property rights,

including trademarks, geographical indications, collective marks and certification marks, trade dress and appellations of origin, as well as unfair competition and consumer-protection laws. The resulting protection presents a complex and diverse regulatory framework. Instruments internationally binding for all or some of the countries concerned include the Paris Convention for the Protection of Industrial Property; the Geneva Act of the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration (footnote: Geneva Act of the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration; S.A. 28 September 2015); the Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods; the ratified catalogues in the United Nations Educational, Scientific and Cultural Organization (UNESCO) Intangible Cultural Heritage Lists; and Article 22 of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) of the World Trade Organization (WTO). The lists mentioned above protect the communities and the products that reflect the lifestyle and culture of future generations (Mataragas 2016). Protection is therefore based on intangible heritage rights tied to location and people. The categories involved are closely linked to lifestyle and identity.

Economic globalization, however, constitutes a threat not only with regard to these rights but also to the communities themselves. Touring the French Provençal market, shopping for authentic Limoges porcelain, or examining the craftsmanship that goes into building Venetian gondolas leads to the conclusion that, while appreciating a geographical indication, one is simultaneously supporting a unique craftsmanship associated with a particular place and its people. It is precisely due to the relationship of geographical indications with tradition and the cultural heritage of the peoples in a specific region that they demand protection, irrespective of their surroundings. Nonetheless, the reality of globalization has contributed to the emergence of many new markets and opened border markets for numerous countries. Today, every country aspires to consume the products of every other nation. However, few countries can offer their products: certain products are offered by certain areas, serving as the trademark of the area as well as the interaction of a community with its land, thereby constituting the community's identity.

3.1. Overview of Intellectual Property Rights

Intellectual Property Rights (IPRs) are legal tools designed to protect creations of the mind, from inventions and artistic works to brand identities and geographical names. While patents,

copyrights, and trademarks usually attract attention, Geographical Indications (GIs) represent a unique form of IPR because they link a product's qualities and reputation directly to its place of origin. Unlike patents, which are time-limited, or trademarks, which are tied to a business, GIs protect cultural and regional heritage indefinitely, as long as the characteristics remain tied to the location.

This framework matters because it gives communities the ability to safeguard their heritage while competing in a global economy where authenticity increasingly commands value.

Geographical indications may be viewed as an essential element of local heritage. It is necessary to protect geographical indications in order to ensure that local and traditional resources are protected and safeguarded. Intellectual property rights are essential for protecting geographical indications. The Paris Convention for the Protection of Industrial Property, the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration, the Trademark Law of the People's Republic of China, the Anti-Unfair-Competition Law of the People's Republic of China, and the Regulations of the People's Republic of China for the Implementation of the Law on the Protection of Product-Oriented Geographical Indications are the main statutes that safeguard these intellectual property rights. As globalization has led to numerous benefits and challenges, cultural diversification is becoming increasingly important as it safeguards and protects local cultures and ideals from external variables. The effect of the commercial level through the Internet on globalization has led to a growing interest in the protection of geographical indications and a corresponding increase in demands for raising the income and revenue of local residents.

3.2. International Treaties and Agreements

The Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement establishes minimum standards for the protection of intellectual property in the context of trade, thereby enhancing the international protection of geographical indications. Prior to TRIPS, the Convention on Protection of Appellations of Origin and Their International Registration (Lisbon Agreement) provided an international multilateral agreement for the recognition of appellations of origin. However, the Brussels Act of the Lisbon Agreement remains unratified and therefore lacks binding force. The now-superseded Paris Convention offers a nonbinding recommendation encouraging the protection of indications of source against misleading uses and unfair competition.

The World Intellectual Property Organization (WIPO) Draft Articles on geographical indications address the protection of an area indication against misleading uses. The 2001 Geneva Agreement on the international registration of geographical indications, although currently without significant effect, encapsulates the relationship of the Lisbon Agreement to the TRIPS Agreement. A Draft Protocol prepared by the WIPO Secretariat in 2005 identifies, among other matters, the concentration of counterfeit – rather than merely misleading – use in the case of high-value products. Stronger standards for protection remain integral to the WTO Ministerial Declaration on the TRIPS Agreement and Public Health. Several bilateral Trade Agreement components seek recognition and enforcement beyond minimum TRIPS standards.

4. Globalization and Its Impact

Globalization has prompted a worldwide resource allocation according to international trade theories linked with comparative advantages. It also provides competition between nations and promotes economic growth. Enhanced worldwide communication through sophisticated information systems enables the market to access a huge knowledge base, and legal systems for intellectual property rights (IPR) protect and encourage creativity. Product creation and distribution become more efficient and less costly.

Culture is a source of creative activity for producing literary, musical, artistic, and intellectual goods and trading them internationally. However, the commercial implications of globalization have put a strain on the cultural dimension of development. Some traditions have been distorted, and cultural identities have been undermined by the cultural invasion that accompanies globalization. Why do societies preserve artistic cultural practices or heritage? The essential answer is that cultural legacies create self-esteem in a community and promote a sense of cultural identity.

Globalization has resulted in increased trade and facilitated access to thousands of new products. However, it can also result in blending or dilution of the concept of territoriality. Around the world, producers of specific products attempt to capitalize on the geographic dimension of their goods by connecting them to the geographic location where they are produced. Distinct forms of protection have been developed in response to this trend, such as geographical indications (GI), special appellation of origin or country of origin for products. Yet counterfeiting inappropriate use of GIs appears to be a growing phenomenon. Indeed, the experience of the Grenadines shows that it is practically impossible to restrict the free use of

GIs and to close markets to imports under FTAs. The case of Camembert further illustrates how fragile is the system of protection for the use of GIs.

4.1. Economic Implications

Globalization has expanded markets for traditional products, allowing wine from Bordeaux, cheese from Parma, or crafts from Kashmir to reach customers worldwide. This can generate higher incomes for producers, promote rural development, and increase exports. However, globalization also exposes these products to counterfeiting, dilution, and unfair competition. Mass-produced imitations often undercut authentic producers, eroding both revenues and reputations.

4.2. Cultural Challenges

Beyond economics, globalization raises cultural challenges. When heritage products are commercialized on a global scale, there is a risk of commodifying tradition. Local producers may alter methods to meet global demand, weakening authenticity. At the same time, appropriation—where cultural designs, recipes, or crafts are reproduced without credit or benefit to the original community—threatens the survival of intangible heritage.

5. Case Studies of Successful Geographical Indications

Geographical indications are a promising instrument for the protection of local heritage, culture and origins. By safeguarding local heritage through intellectual property rights, local communities can capture the values that globalization might otherwise erode. Successful cases of geographical indications are those sectors on which they first came into the arena and which best recovered the economic values of their origin. Champagne in France, Darjeeling Tea in India and Roquefort Cheese in France can be cited as examples, in which the originators first adopted legal organized strategies to claim the origin of the products and to declare to the consumers that imitations and substitutes are not the originals.

Champagne is the most famous sparkling wine from the Champagne region of France. It is one of the most protected geographical indications. Champagne has been a symbol of wealth and status for the rich and the rulers of France. The real Champagne is the one that is produced in the Champagne region in France. A similar kind of wine can be made anywhere in the world but admitting to it would be illegal because no other locality can make Champagne and call it

by the same name. The success of the Champagne GIs is because of the ingenious marketing strategies adopted by the French to make champagne the aspirational drink for all social groups including the royalty and aristocracy.

5.1. Champagne: A Case Study

Champagne stands not only for an individual locality but also for the history and character of the whole of France. It is a landmark of civilisation, so much a part of the French culture and heritage that that country has registered the champagne name and granted exclusive rights for product having the required characteristics conferred by the European Union. Today the champagne concept extends far beyond the boundaries of France, protecting the interests of not only the French society but also those of the other inhabitants producing the same product around the world. Other countries producing sparkling wines employ various legal methods to differentiate their products from the French Champagne in order to protect themselves from those who seek to take advantage of Champagne's goodwill.

The geographical indications of the Champagne region of France are testament to the innovative spirit of French winemakers and to the subsequently shrewd policies of the European Union, who have defended the concept through a variety of international treaties and agreements. Since the first official recognition of the rights of the people of Champagne with the Treaty of Madrid in 1891, the concept has continued to develop alongside its legal protection, establishing a model which other parties may wish to emulate.

5.2. Darjeeling Tea: Protecting Heritage

Another successful example of geographical indications is Darjeeling tea, which has fought several non-IPR battles and remains unchallenged today despite the lack of proper legal protection. The uniqueness of Darjeeling tea is endowed by specific combination of its geographical conditions, climate and soil, altitude, flavour, aroma and so on. The tea bushes grown in Darjeeling have a unique aroma and taste because of very low temperature during the first flush. When the formulators of the WTO trade agreement were discussing the protection of Geographical Names of Origin (GNGO), Darjeeling was singled out as one of the most vulnerable; it was not represented by a formal trade combination and was therefore designated as a likely candidate for “unfair practices” and counterfeiting. Several efforts have been made to obtain legal protection for Darjeeling tea, each appealing to different considerations:

The first petition was filed in 1991 under the WTO umbrella for GNGO protection. Increased admissions in prestigious hotels and enhanced retail prices have resulted in a corresponding increase in counterfeiting of Darjeeling tea. Despite the DTI matching the best prices of the other origins, any break in chain of quality results in the loss of name and goodwill. The second petition, filed in 1997, sought protection for Darjeeling tea against the Trade Description Act; it was an attempt to prevent misrepresentation of Darjeeling tea to protect the interests of the Indian producers and the Indian economy. These actions, strengthened by the work of other groups, have successfully brought the concept of GIs into public and professional discussion, as well as into the courtrooms.

5.3. Roquefort Cheese: Legal Battles

In 1996, a major French supermarket announced the introduction of its own brand of "Roquefort cheese." A legal battle followed in the European Court of Justice, launched by the French producers, and their defenders won. After a severe judgment, which banned the lobby group of the French supermarket from using the Roquefort name in sales and marketing, the working group of the EU Regulation on GI started to proceed with the considerations of counterfeit, urging the protection of the origin and control of „false and deceptive” or «misleading» advertisements.

However, a very recent example revealed a different reality for the case of Roquefort. In 2017, the president of the French syndicate for Roquefort buyers and sellers raised the alarm concerning the loss of the historical French market in London. British supermarkets have been offering Roquefort at a price that is seven times less than that in Paris, along with some Spanish, British, and New Zealand cheeses that imitate the famous French cheeses and are sold at a quarter of the original price. At the same time, British food authorities have republished a guide arguing in favor of the designation "sheep's milk cheese aged in caves of limestone." He also emphasized that over 50% of British consumers have no knowledge about the Roquefort name.

6. Challenges in Enforcement

Globalization has resulted in increased trade and facilitated access to thousands of new products. However, it can also result in blending or dilution of the concept of territoriality. Around the world, producers of specific products attempt to capitalize on the geographic dimension of their goods by connecting them to the geographic location where they are

produced. Distinct forms of protection have been developed in response to this trend, such as geographical indications (GI), special appellation of origin or country of origin for products. Yet counterfeiting inappropriate use of GIs appears to be a growing phenomenon. Indeed, the experience of the Grenadines shows that it is practically impossible to restrict the free use of GIs and to close markets to imports under FTAs. The case of Camembert further illustrates how fragile is the system of protection for the use of GIs.

6.1. Counterfeiting and Misuse

Counterfeiting is the most pervasive challenge. Products labeled as “Champagne” or “Darjeeling Tea” often appear on global shelves without any connection to their regions of origin. The rise of e-commerce has made counterfeits more accessible, with online platforms often unable—or unwilling—to police mislabeling effectively.

The International Chamber of Commerce (2021) estimated that global trade in counterfeit goods exceeds \$500 billion annually, a portion of which involves misused GIs. This undermines consumer trust and damages the economic viability of authentic producers.

6.2. Legal Barriers

Legal fragmentation across countries creates significant hurdles. While the EU enforces strong GI laws, countries like the United States rely on trademark law, leading to inconsistencies. The “Feta” debate illustrates this: in Europe, “Feta” refers exclusively to cheese produced in Greece under specific conditions, while in the U.S., it is treated as a generic term for brined white cheese.

These divergences weaken global enforcement and lead to trade disputes, as seen in ongoing EU–U.S. negotiations over GI recognition in bilateral trade agreements.

7. The Role of Local Communities

7.1. Community Engagement

Local communities are the custodians of heritage. For GIs to succeed, their active participation is essential. Producer associations often play a critical role in setting standards, monitoring compliance, and advocating for GI protection. In India, the Tea Board ensures that only

authentic Darjeeling tea carries the GI label, using certification marks and digital traceability.

Community engagement also fosters intergenerational transmission of skills. By involving artisans, farmers, and local cooperatives in decision-making, GI protection moves beyond legal formality to become a community-driven safeguard.

7.2. Benefiting Local Economies

GIs offer tangible benefits to local economies by creating niche markets where authenticity commands premium pricing. For example, GI-protected coffee in Colombia—marketed as “Café de Colombia”—has not only boosted farmer incomes but also strengthened national identity. Similarly, Peruvian Maca root has been positioned globally as a superfood, benefiting indigenous farmers when protected against biopiracy.

By anchoring livelihoods in traditional products, GIs can reduce rural-to-urban migration, support sustainable practices, and stimulate local tourism.

8. Technological Advancements

8.1. Digital Tools for Protection

Digital innovation is transforming GI protection. Blockchain technology offers transparent and tamper-proof traceability systems, allowing consumers to verify a product’s origin with a smartphone scan. For example, pilot projects in the wine industry are using blockchain to certify authenticity from vineyard to retailer.

QR codes and geotagging also allow consumers to trace production chains, creating greater trust. These technologies can help small producers in remote areas establish credibility in global markets without expensive legal battles.

8.2. E-commerce and Global Reach

E-commerce is both a risk and an opportunity. While counterfeiters exploit online platforms, legitimate producers can access international consumers more easily than ever before. Partnerships between e-commerce giants and certification bodies could significantly curb counterfeit sales.

For instance, Alibaba and Amazon have initiated programs to flag and remove counterfeit GI products, although implementation remains uneven. If expanded, such collaborations could transform e-commerce into a powerful ally for authentic producers.

9. Policy Recommendations

9.1. Strengthening Legal Frameworks

Harmonization: International bodies should work toward harmonizing GI protection to reduce conflicts between trademark and GI systems.

Customs Enforcement: Strengthening border controls and international cooperation can help intercept counterfeit products.

Dispute Resolution: Establish specialized dispute resolution mechanisms under the WTO or WIPO to handle GI-related conflicts efficiently.

9.2. Promoting Awareness and Education

Producer Education: Governments and NGOs should provide training for communities on GI registration, marketing, and enforcement.

Consumer Awareness: Public campaigns can emphasize the cultural and environmental value of authentic GI products, helping consumers make informed choices.

Documentation of Heritage: Recording traditional knowledge and production methods ensures heritage preservation and provides the evidence required for GI registration.

10. Future Directions for Geographical Indications

The inception of intellectual property rights (IPR) was to safeguard the interests of the originators of intellectual properties. Among various types of IPRs, geographical indication (GI) is one that is of great importance for safeguarding local heritage. A GI is a clever combination of an intangible asset with a tangible asset where a place endows certain characteristics on a product. Yet, the proof of such an identification remains elusive owing to the emergence of globalization under international trade. In today's globalized economy, the mere geographical boundary of a country no longer serves as a boundary for business

operations. Product supporting services can equally contribute to the reputation of the product. The product's reputation spreads throughout the world irrespective of its place of origin through international business operations.

The protection of GIs appears in virtually every trade agreement and accords a great deal of thought for development of its provisions under the ambit of the Agreement of Trade Related Intellectual Property Rights (TRIPS). To face the challenges of protection as well as enforcement of GIs, different countries have made specific provisions in their legislation to protect the interest of those who use GIs as an identification of a particular product. In order to protect this interest for the producers of the original product and the community at large, there are several steps that need to be taken such as awareness programmes, collective efforts, competition in the business area, consumer-management relationship and integrated marketing communication. As such, the study is an attempt to have a panoramic view of GIs and the challenges in their protection.

10.1. Adapting to Global Changes

Climate change poses new challenges for heritage products tied to specific environments. Shifts in rainfall, temperature, and soil quality may alter the qualities that define GIs. For example, French vineyards are already adapting grape varieties to cope with climate change. GI frameworks must evolve to recognize these adaptations without undermining authenticity.

Global supply chain disruptions, such as those witnessed during the COVID-19 pandemic, also emphasize the need for resilience. Localized production supported by GI protections can strengthen community autonomy in times of crisis.

10.2. Innovative Practices

Innovation should complement tradition. Modern branding, sustainable packaging, and eco-certification can add value without undermining authenticity. Collaborative initiatives between governments, tech companies, and communities can create hybrid models where heritage meets innovation.

For instance, digital storytelling—through documentaries, interactive websites, or augmented reality labels—can enhance the global appeal of GI products while educating consumers about their cultural origins.

11. Conclusion

Among the various types of intellectual property (IP), geographical indication (GI) is an important type that safeguards the distinctive identity of products or services linked to their geographical origin. Encompassing agricultural products, seafood, minerals, handicrafts, manufactured products, foodstuffs, wines and spirits, and services, GIs play a significant role in local and national economies. Globalisation has provided opportunities for accessing new markets; however, it has also increased threats to local heritage by allowing goods made in other regions to be sold with misleading labels. Consequently, the effective enforcement of IPR that protects local heritage via GI is crucial in a globalised economy. Research into safeguarding local heritage through GI under the umbrella of IPR is especially relevant and timely in the context of contemporary global trade.

Several examples of effective protection of local heritage through GI and related IPR can be drawn from different parts of the globe. Champagne, a world-famous sparkling wine produced in the Champagne region of France, holds a unique GI-certified position. The GI tag reinforces the tradition, reputation, and intellectual property embodied in Champagne, making it a valuable economic asset for the local community. Legal actions against misuse have been vigorously pursued by the Comité Champagne. Similar noteworthy examples include Darjeeling Tea from India and Roquefort cheese from France. The legal protection and enforcement of these GIs provide valuable insights into the practical operation of the system and the role of global trade and trade agreements in protecting local heritage through GI.

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