
GEOGRAPHICAL INDICATIONS AND CULTURAL HERITAGE PROTECTION IN GLOBAL TRADE

Miss. Paavana.E, LL.M., JSS Law College (Autonomous), Mysuru, Karnataka, India

Mr. Mahadeva Prabhu. N, LL.M., JSS Law College (Autonomous), Mysuru, Karnataka,
India

ABSTRACT

Growing globalization has made it a key concern for governments and communities worldwide to preserve local traditions, skills, and craftsmanship. Geographical Indications (GIs) are a crucial instrument for maintaining the integrity of products linked to certain regions and ensuring their recognition and protection in the global market. In addition to guaranteeing the caliber and genuineness of goods, GIs protect regional identities, cultural treasures, and traditional knowledge. This essay looks at how GIs are used to preserve cultural legacy in the context of global trade, as well as the economic, social, and legal effects of doing so. Numerous international and regional legal frameworks, such as the Lisbon Agreement, the World Trade Organization's TRIPS Agreement, and the European Union's PDO/PGI systems, regulate GIs. Cultural appropriation, counterfeiting, and challenges in international trade are among the topics covered in the essay, along with the economic benefits of GIs, such as premium pricing, rural development, and tourism. In order to preserve cultural assets in the global economy, this study highlights the importance of strengthening international cooperation by weighing the benefits and drawbacks of GIs.

Keywords: Geographical Indications (GIs), Global Trade, Intellectual Property, TRIPS Agreement, Authenticity, etc.

I. Introduction

In the face of globalization, where economic factors often favor mass production and standardization, it has become increasingly challenging to preserve regional identities, handicrafts, and customs. One of the most effective strategies for preserving cultural heritage in the context of international trade is the concept of Geographical Indications (GIs),¹ which associate goods with specific geographical areas according to distinctive traits, reputations, or attributes. In this post, we will examine how GIs support local knowledge, cultural traditions, and community livelihoods in addition to economic progress. We will discuss the evolving significance of GIs in international trade, their legal systems, the challenges of protecting them, and their long-term effects on cultural heritage.

II. Geographical Indications (GI's) A Closer Look

A. Defining Geographical Indications

The main purpose of a geographic indication (GI) is to prevent unauthorized parties from using a product's name or geographical reference, ensuring that only producers from the designated region or area are allowed to use the GI. Unlike generic trademarks, GIs are typically governed by associations or governmental entities that speak for the interests of a particular geographic region rather than being held by individual manufacturers or companies. GIs are distinguishing marks that are used to identify goods that come from a specific area and have a reputation or set of attributes because of that location. Champagne is a well-known GI for sparkling wines produced in the French Champagne region, whereas Feta is a GI for a specific type of Greek cheese. The use of such names outside of their approved zones is prohibited in order to safeguard the reputation of specific regional products and to avoid misleading consumers.

B. Types of Geographical Indications

In general, two types of GIs are recognized worldwide:

¹ Geographical Indications (GIs) are intellectual property rights that link products to their place of origin, ensuring that their unique qualities, reputation, or characteristics are preserved. They play a crucial role in protecting traditional knowledge, fostering rural development, and promoting cultural heritage. See World Intellectual Property Organization (WIPO), *Geographical Indications: An Introduction*, available at www.wipo.int.

Appellations of Origin (AOs):² These are the strictest kind of GIs, where the product's quality and characteristics are mostly determined by its location. Both the raw components and the production processes are subject to stringent rules. The most famous example of this is Cognac, a brandy produced in the French region of Cognac, where grape production and distillation are controlled.

Geographical indications (GIs)³ are more flexible than appellations of origin. GIs indicate that a product originates in a specific region and has traits or a reputation due to its location, even if the production process may not be subject to as stringent regulations. For instance, Darjeeling tea is protected as a GI; it needs to be cultivated in the Darjeeling region, albeit processing methods vary.

C. Key Characteristics of GI's

GIs have the following distinguishing characteristics:⁴

- Association with a Certain Area: The product must originate from a particular area.
- Reputation or Regionally Specific Features: The product's characteristics are either inherent to the local environment (soil, climate, or terroir) or to human knowledge and traditions (craftsmanship, skills, and practices specific to the region).
- Collective Ownership and Regulation: Unlike trademarks, which are owned by individual companies, GIs are collectively controlled by regional producers, cooperatives, or governmental agencies that ensure quality control and prevent misuse.

² Appellations of Origin (AOs) are a specific type of Geographical Indication (GI) that impose strict requirements on both raw materials and production processes. See World Intellectual Property Organization (WIPO), *Geographical Indications: An Introduction*, available at www.wipo.int.

³ Geographical Indications (GIs) offer more flexibility compared to AOs, requiring only that the product originates from a specific region and possesses qualities, reputation, or characteristics linked to that region. See Food and Agriculture Organization (FAO), *Linking People, Places, and Products: A Guide for Promoting Quality Linked to Geographical Origin and Sustainable Geographical Indications*, available at www.fao.org.

⁴ One of the defining characteristics of GIs is their collective ownership, ensuring that regional producers maintain control over product quality and prevent misuse by unauthorized parties. See European Commission, *Geographical Indications and Traditional Specialities: Protection and Promotion at the EU Level*, available at ec.europa.eu.

III. Cultural Heritage and Its Protection

A. The Function of Cultural Heritage in International Trade

Human civilization depends on both concrete and intangible cultural legacies. It encompasses elements like monuments, artwork, culinary traditions, dialects, and conventions that define a community's identity. Different cuisines, traditional crafts, and unconventional farming practices are common examples of cultural legacies in international trade. In addition to the product itself, the skills, traditions, and information that have been passed down through the ages are also preserved, and these cultural assets are frequently documented in GIs.

For example, the people who cultivate Basmati rice, which is mostly farmed in India and Pakistan, attach significant cultural value to the grain. The region's traditional rice-growing methods, which have been shaped by decades of local knowledge, are safeguarded by the GI classification, which ensures the preservation of this legacy.⁵

There are many benefits to preserving cultural heritage in international trade, including the preservation of:

- Traditional knowledge, which refers to the techniques and abilities utilized to produce specific items. Culturally distinctive items are those that respect and uphold a region's unique culture.
- Economic Sustainability: By linking local goods to their creative heritage, GIs offer benefits to the market that can help rural economies and communities.

B. The Need for Safety in a Worldwide Setting

Cultural legacy is particularly vulnerable to misuse in a society with rapidly expanding markets and competing interests. The theft of indigenous knowledge, the acceptance of foreign norms, and global supply chains that value mass production over artisanal methods are all serious

⁵ Cultural heritage includes both tangible and intangible elements, such as historical monuments, traditional crafts, and culinary practices, which contribute to a community's identity and economic development. See United Nations Educational, Scientific and Cultural Organization (UNESCO), *Convention for the Safeguarding of the Intangible Cultural Heritage*, 2003, available at www.unesco.org.

threats to cultural heritage.⁶

When cultural symbols or aspects are taken out of context and used for profit without permission, it's known as cultural appropriation, and it's a serious problem. For example, it is possible to use indigenous patterns or traditional handicrafts without authorization or payment, which would damage local economies and cultural integrity. In this instance, GIs serve as essential tools to ensure that only manufacturers with close ties to a specific region are permitted to use a given trademark or sign.⁷

IV. The Economic Impact of GIs on Global Trade

A. Premium Pricing and Distinction in the Market

Their ability to differentiate products in the marketplace is a major factor in GIs' economic significance in global trade. Consumers are becoming more interested in products that convey cultural significance, authenticity, and provenance. The cost of GI products is therefore generally higher than that of their non-GI equivalents. For instance, because Champagne, Bordeaux wine, and Parmigiano-Reggiano are linked to special quality and cultural history, consumers may be willing to pay more for them.

Small-scale enterprises in rural areas particularly profit from this pricing advantage because of the lack of economies of scale and possible obstacles to reaching large retail markets. They can establish a niche in the global market and remain competitive in the face of mass-produced imitations with GI protection.

B. Developing Rural Economies and Creating Jobs

In many cases, GI protection directly boosts rural economies by promoting local farming, handicrafts, and food production. For example, the Tuscany region's wine industry benefits monetarily from GI protection because of the demand for the region's authentic wines around

⁶ Protecting cultural heritage in international trade is crucial for maintaining traditional knowledge, ensuring economic sustainability, and respecting cultural uniqueness. See Food and Agriculture Organization (FAO), *Linking People, Places, and Products: A Guide for Promoting Quality Linked to Geographical Origin and Sustainable Geographical Indications*, available at www.fao.org.

⁷ Cultural appropriation poses significant risks to indigenous and traditional communities by allowing unauthorized commercial use of their heritage. See European Union Intellectual Property Office (EUIPO), *Protecting Traditional Knowledge and Cultural Expressions through Intellectual Property*, available at www.euiipo.europa.eu.

the world. By creating jobs in manufacture, packaging, marketing, and distribution, GI-protected products contribute to the economic development of rural communities that are occasionally ignored or destitute.

In a similar vein, handcrafted textiles from regions such as India's Kanchipuram or Thailand's silk industry benefit immensely from GI protections because their products often command higher prices on the international market due to their cultural authenticity and craft specialization.⁸

C. Affect on Travel

GIs can also advertise regional travel. Strong cultural identities often attract tourists who wish to experience or purchase authentic, local products. The artistic quality of goods like Swiss watches, Bordeaux wines, and Bavarian beer attracts travelers from abroad. This type of tourism can help local communities even more by generating ancillary business opportunities like tours, housing, and local dining experiences.⁹

V. Legal Frame work for GI Protection

A. Frameworks for International Law and Agreements

GIs are protected under a combination of international treaties, regional agreements, and national laws. The main international framework that regulates GIs is the Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement, which was created by the World Trade Organization (WTO) in 1994.

1. TRIPS Agreement: Article 22¹⁰ of the TRIPS Agreement has set a broad standard to protect GIs against misuse, including misleading advertising and deceptive marketing.

⁸ Handcrafted textiles from regions such as India's Kanchipuram and Thailand's silk industry benefit significantly from GI protection, as it enhances their global marketability and supports local artisans. See United Nations Educational, Scientific and Cultural Organization (UNESCO), *Intangible Cultural Heritage and Traditional Craftsmanship*, available at www.unesco.org.

⁹ Geographical Indications promote tourism by attracting visitors interested in experiencing the cultural and artisanal origins of specific products, thereby creating additional economic opportunities for local communities. See World Tourism Organization (UNWTO), *Tourism and Cultural Heritage: A Symbiotic Relationship*, available at www.unwto.org.

¹⁰ Article 22 of the TRIPS Agreement mandates WTO members to implement legal protections against the misuse of GIs, preventing deceptive marketing and ensuring respect for culturally significant designations. See World Trade Organization (WTO), *TRIPS Agreement: Part II – Standards Concerning the Availability, Scope, and Use of Intellectual Property Rights*, available at www.wto.org.

Every WTO member is required by the agreement to establish legal protections for GIs, prevent their inappropriate use, and respect the cultural value of these designations. Another benefit of this rule is that it extends protection to products that are traditionally linked with a certain region but do not always meet the qualifications for Appellations of Origin.

2. The World Intellectual Property Organization (WIPO) is in charge of the Lisbon Agreement, which offers a system for the international registration of geographical indications and appellations of origin. The Geneva Act of the Lisbon Agreement, which was adopted in 2015, aims to increase GI protection globally by expediting the registration process and extending the protection to additional countries.¹¹

VI. Challenges in GI Protection

Despite GIs' value as a mechanism for protecting cultural assets in global trade, some problems persist:

- **Imitation and Counterfeiting:** As demand for GI-protected products rises, so does the possibility of counterfeiting. In addition to misleading consumers, counterfeit goods usually reduce the value of authentic ones. For example, fake products sold as "champagne" might be sold outside of the approved area, which would reduce the actual product's value.¹²
- **Cultural appropriation** is the ongoing debate about the use of traditional knowledge, designs, or products by outsiders without proper credit or compensation. This is especially problematic in sectors like food and fashion, where multinational corporations may steal traditional elements for profit, displacing the original creators.¹³

¹¹ The World Intellectual Property Organization (WIPO) oversees the Lisbon Agreement, which provides an international system for registering appellations of origin and GIs. The 2015 Geneva Act of the Lisbon Agreement expanded GI protections and simplified the international registration process. See World Intellectual Property Organization (WIPO), *The Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications*, available at www.wipo.int.

¹² The rise in demand for GI-protected products has led to increased counterfeiting and imitation, which misleads consumers and diminishes the value of authentic goods. See World Intellectual Property Organization (WIPO), *The Role of Geographical Indications in Combating Counterfeiting*, available at www.wipo.int.

¹³ Cultural appropriation remains a contentious issue in GI protection, particularly in industries such as food and fashion, where traditional knowledge and designs are often used without credit or compensation. See United Nations Educational, Scientific and Cultural Organization (UNESCO), *Safeguarding Traditional Knowledge and Cultural Expressions*, available at www.unesco.org.

- Tensions in Global Trade: Different countries have different approaches to GI protection. For example, countries like the United States adopt a more lax position and usually choose market-based solutions over legal measures, while the European Union and India have strong legal frameworks for GI protection. This disparity may lead to trade disputes, as evidenced by the debates around GI protection for products like Parmesan cheese and Basmati rice.¹⁴

VII. Conclusion

In international trade, geographic indicators are crucial for maintaining cultural heritage and promoting steady, long-term economic growth. Not only do they serve as indicators of quality and authenticity, but they also preserve traditional knowledge, craftsmanship, and local identities. The need of utilizing GIs to protect cultural assets as international trade grows cannot be overstated. Both international agreements like the Lisbon Agreement and the TRIPS Agreement, as well as regional systems like the EU's PDO and PGI programs, provide strong protocols for safeguarding GIs.

However, problems like as cultural appropriation, counterfeiting, and differences in national legal standards remain significant barriers. Together, governments, producers, and international organizations must strengthen GI protections to save the unique identities of regions and cultures from being lost as a result of global economic integration.

¹⁴ Global trade tensions arise from differing approaches to GI protection. The European Union and India enforce strong legal frameworks, while the United States often favors market-based solutions, leading to disputes over products like Parmesan cheese and Basmati rice. See World Trade Organization (WTO), *Geographical Indications in International Trade: Conflicts and Resolutions*, available at www.wto.org.