TRADITION MEETS TRADE: A CRITICAL ANALYSIS OF GEOGRAPHICAL INDICATIONS IN INDIA

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ABSTRACT

Something called Geographical Indications now matters a lot in how we protect what people make. These labels guard items whose character or fame comes directly from where they're made. Take Darjeeling tea or Banarasi silk - what makes them stand out ties back to location. Laws in India handle this through a specific act formed in 1999. That law came about because of global trade rules linked to the WTO's agreement on copyrights and patents. It sets up who can register such signs, who benefits, and how disputes unfold. Behind it all sits more than just money - it's also about identity, tradition, history stitched into goods.Beginning deep in legal roots, it questions what makes geographic indications unique compared to trademarks, highlighting shared ownership and how they guard time-honored practices. Moving through real cases, the analysis looks at requirements for qualification, covering farm produce, raw materials, or crafted goods while stressing that a strong bond to place defines whether something earns protected status.

Looking closely at how violations play out under Indian law forms a core part of this work. Unauthorized usage, misleading geographic labels, imitation practices, along with dishonest assertions are weighed up here. Consumer trust takes a hit when these issues arise, just as honest makers feel the financial sting. One section digs into existing legal fixes - court routes, penalties, government actions - all laid bare. Yet hurdles remain, like snagging proof, sluggish court timelines, weak oversight bodies slowing things down. Real impact often stumbles before half-hearted systems meant to uphold rules.

A closer look at Geographical Indications in India reveals how they lift up village economies while giving small makers a steadier foothold. Because these labels tie products to place, farmers and craft workers often see better market access. Yet global trade pressures now test their strength. As online shopping spreads, imitation goods slip across borders more easily. One result is that traditional knowledge sometimes gets used without approval. Even so, exports carrying authentic regional marks gain recognition abroad. With digital platforms growing fast, protecting origin-based rights demands

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sharper attention.

Lately, changes in rules alongside new tech advances suggest a fresh approach is needed to boost the GI setup. Public understanding must grow, oversight needs tightening, overseas safeguards should reach further, while tools such as blockchain and tracking methods could play a role. Even though India has built strong laws for GI rights, what truly matters emerges later - how well those laws work in practice. Success shows up not in documents but in results: helping communities thrive, keeping traditions alive, supporting fair growth within a linked world economy.

Keywords: Geographical Indication, economic empowerment, globalized economy, e-commerce

1. INTRODUCTION

1.1 Meaning and Concept of Geographical Indications (GIs)

Something called Geographical Indications points to where a product comes from, linking it tightly to that place through traits or fame rooted in location. Unlike trademarks, which one person or company can own and sell, these belong collectively to makers in a given area. What matters most is how deeply the item ties back to its birthplace - think weather, earth, long-held skills, ways of working passed down. That bond forms through both nature's touch and people's hands shaping what gets made there. India protects geographical indications through a law made in 1999 that sets up an official process for registering and guarding them. Only approved people or groups can use these names once registered, so the item keeps its true identity. Misleading customers about origin becomes harder under this rule. The system blocks false claims in trade by limiting who may apply the label[3].

1.2 Historical Evolution and Global Recognition of GIs

Roots of protecting goods by where they come from stretch far back, particularly in Europe, with famous examples being cheese and wine linked to specific areas[4]. With more trading between nations, the demand for shared legal shields rose sharply this pushed governments toward broad treaties. One shift changed everything: the 1994 deal known as TRIPS made geographic labels part of world trade law at last[5]. That agreement laid down minimum rules

[3] Geographical Indications of Goods (Registration and Protection) Act 1999, ss 2(1)(e), 11, 17; Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) 1869 UNTS 299, art 22.
[4] Dev Gangjee, *Relocating the Law of Geographical Indications* (Cambridge University Press 2012) 21–25.
[5] Daniel Gervais, *The TRIPS Agreement: Drafting History and Analysis* (5th edn, Sweet & Maxwell 2021) 421–

every participating nation had to follow, placing these location-based names firmly within global IP systems. Wines and spirits gained tougher rights under it, reflecting how deeply such products matter beyond just markets. India became part of the TRIPS agreement, so it passed its own GI rules in 1999 to follow through. After that point, talks worldwide on better safeguards for heritage-based goods have regularly included Indian voices[6].

1.3 Importance of GIs in Protecting Traditional Knowledge and Cultural Heritage

Hidden within every hillside recipe or valley weave lies a story Geographical Indications pull those threads into light. Not through force, yet by quiet acknowledgment, they shield age old methods born in small villages and nurtured across decades[7]. When a cheese, cloth, or spice carries a GI mark, it does more than name a place it honors hands that shaped its making. Because rights are clear, copycats find less room to twist what belongs to others. Tradition survives not in museums, but fields, fires, and workshops where skills still pass mouth to ear, hand to hand[8].Besides helping makers nearby keep control over their names, these labels make sure money earned stays within the group that made the thing valuable in the first place[9]. Especially in countries still growing, like India, many people crafting by hand or working farms depend on age old skills to earn what they need. Because of this, guarding a name becomes more than law it turns into a way to balance rewards while keeping traditions alive across generations[10].

1.4 Economic Significance in the Indian Context

Deep in India's villages, geographical signs quietly power change. Not just labels, they lift entire regions up through trade[11]. Take Darjeeling tea its name alone tells a story of place and

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[6] Geographical Indications of Goods (Registration and Protection) Act 1999; Marrakesh Agreement Establishing the World Trade Organization (adopted 15 April 1994, entered into force 1 January 1995) 1867 UNTS 154.

[7] World Intellectual Property Organization (WIPO), *Geographical Indications: An Introduction* (WIPO Publication No 952E, 2017) 8–10.

[8] Agreement on Trade-Related Aspects of Intellectual Property Rights (adopted 15 April 1994, entered into force 1 January 1995) 1869 UNTS 299, art 22; Geographical Indications of Goods (Registration and Protection) Act 1999, ss 21–22.

[9] K C Kala, 'Protecting Indigenous Knowledge and Geographical Indications in India' (2010) 15(2) *Journal of Intellectual Property Rights* 95, 97–101.

[10] Dev Gangjee, 'Geographical Indications and Cultural Heritage' in Irene Calboli and Ng-Loy Wee Loon (eds), *Geographical Indications at the Crossroads of Trade, Development and Culture* (Cambridge University Press 2017) 95–114.

[11] Government of India, Department for Promotion of Industry and Internal Trade (DPIIT), *Geographical Indications Registry Annual Report* (Government of India 2023) 12–15.

care. Because it carries that tag, buyers trust what's inside the package. Across oceans, Banarasi silk finds new homes, its legacy stitched into every thread. Recognition grows slowly, yet steadily, for goods rooted in specific lands. Alphonso mangoes, sweet and golden, travel far because people know where they come from. Origin matters more than one might think. Each certified product strengthens local work, linking soil to market without middlemen. The system runs on truth: if you grow it here, only you can call it that[12].

Even so, India still hasn't gained much economically from its Geographical Indications (GIs), mainly due to poor public knowledge, weak promotion strategies, along with shaky legal follow-through. Overcoming these issues becomes essential if the country wants to make real use of GI rights while helping sustain future growth[13].

2. LEGAL FRAMEWORK GOVERNING GEOGRAPHICAL INDICATIONS

2.1 Overview of the Geographical Indications of Goods (Registration and Protection) Act, 1999

India oversees Geographical Indications through a specific act passed in 1999, active from 2003 onward[14]. Set up after global trade agreements shaped new rules, it took root to meet international promises made in 1994. Instead of vague oversight, the system now offers clear steps for recognition and defense of regional product names[15]. Because standards needed upgrading, lawmakers built a structure meant to hold up over time. A place-based name gains meaning when what it describes comes straight from that location think of how soil or climate shapes something unique about the product[16]. When such names meet legal standards, they earn protection under a registration process outlined by law. Ownership then follows, not just for those who register first but also for others approved later to use the term properly. This setup ensures only qualified people can apply the label to items meant to carry it.What stands out most is how it treats shared rights - giving groups, not just one person, control over regional

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[12] Geographical Indications Registry, *Registered Geographical Indications of India* (GI Registry, Chennai 2024) 45–47.

[13] Agreement on Trade-Related Aspects of Intellectual Property Rights (adopted 15 April 1994, entered into force 1 January 1995) 1869 UNTS 299, art 22; Geographical Indications of Goods (Registration and Protection) Act 1999, ss 22–24.

[14] Geographical Indications of Goods (Registration and Protection) Act 1999; Geographical Indications of Goods (Registration and Protection) Rules 2002, r 1(3).

[15] Agreement on Trade-Related Aspects of Intellectual Property Rights (adopted 15 April 1994, entered into force 1 January 1995) 1869 UNTS 299, arts 22–24.

[16] Geographical Indications of Goods (Registration and Protection) Act 1999, Preamble.

product names. Should someone break these rules, consequences follow, both in court and through fines or other actions set by law. Lasting a decade, the protection simply continues when renewed, no upper limit in sight. Over time, this keeps age-old items shielded under consistent legal cover[17].

2.2 Role of the GI Registry in India

A small office in Chennai handles India's Geographical Indications work. This unit operates beneath the Controller General who also manages patents, designs, and trademarks. Its job comes straight from a law passed back in 1999[18].

The primary functions of the GI Registry include[19]:

1. Processing applications for GI registration
2. Maintaining the Register of Geographical Indication
3. Granting certificates of registration
4. Recording authorized users
5. Adjudicating oppositions and rectification proceedings

Every detail gets checked because trust matters when assigning origins to goods. Not just paperwork real links to place must be proven before approval ever happens[20]. Misleading labels? They get stopped fast through strict verification steps. Only items truly tied to a region earn GI status after scrutiny clears them fully[21].

2.3 International Framework

TRIPS Agreement (WTO)

Worldwide, rules for protecting geographical indications come from a 1994 deal known as

[17] Dev Gangjee, *Relocating the Law of Geographical Indications* (Cambridge University Press 2012) 187–192.
[18] Geographical Indications of Goods (Registration and Protection) Act 1999, ss 3–4.
[19] ss 11–27; Geographical Indications of Goods (Registration and Protection) Rules 2002.
[20] s 2(1)(e); ss 11–13. Geographical Indications of Goods (Registration and Protection) Rules 2002
[21] ss 12, 13 and 27. Geographical Indications of Goods (Registration and Protection) Rules 2002

TRIPS. This agreement falls under the watch of the World Trade Organization[22]. Minimum standards for IP rights, such as those tied to place names, are defined here. Countries that join must adopt these rules into their own legal systems[23]. So, each nation adjusts its laws to match what the accord requires. Nowhere does it allow false claims about where something comes from. Protection kicks in under Article 22, covering every kind of product on the market. Wines and spirits get extra backing through Article 23, regardless of whether the real source is mentioned. Legal tools must work well without delay or weak outcomes[24].

Backed by India's 1999 law on geographical indications, local makers gain safeguards that match global standards[25]. This act meets trade promises without copying Western models. Instead of just following treaties, it builds around homegrown needs[26]. Each protected product carries more than a label its origin tells part of the story. Rules shaped locally support fairness better than imported ones might. Not every system fits all regions the same way. Still, joining worldwide practices helps smaller creators reach wider recognition[27].

Lisbon Agreement

Back in 1958, nations came together on a deal about place-based product names. Running under WIPO, it's called the Lisbon Agreement[28]. Countries that join can shield those unique regional labels worldwide. Instead of handling filings country by country, one streamlined method does the job. Each step ties into an interconnected framework built for consistency.

Still, while the TRIPS Agreement lays down general rules, the Lisbon system demands more - nations must honor protected names directly, no extra paperwork needed. Only a handful of countries take part though. India stays out. Yet, when talks turn to shielding regional product labels worldwide, this treaty often comes up[29].

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22 Agreement on Trade-Related Aspects of Intellectual Property Rights (adopted 15 April 1994, entered into force 1 January 1995) 1869 UNTS 299 ('TRIPS Agreement').
23 TRIPS Agreement, arts 1–2.
24 TRIPS Agreement art 1(1).
25 TRIPS Agreement art 22.
26 TRIPS Agreement art 23.
27 TRIPS Agreement arts 41–49.
28 Lisbon Agreement for the Protection of Appellations of Origin and their International Registration (adopted 31 October 1958, entered into force 25 September 1966) 923 UNTS 205.
29 Lisbon Agreement, arts 5(3)–(6).

2.4 Comparison with Trademark Law

Though Geographical Indications and trademarks both point to where a product comes from and how good it might be, they differ deeply in what they are, who holds them, and how the law treats them[30].

• **Ownership:** A single person or business can claim a trademark, while geographic indications belong to many makers in one area. Not individual but shared, that is how GIs work compared to personal marks.

• **Transferability:** Ownership moves freely with trademarks - they might pass hands through sale or lease. Not so for geographical indications. Tied without exception to place, these designations stay rooted where they began.

• **Purpose:** A name stands out when it marks what one company sells apart from others. Yet location matters just as much when where something comes from shapes how it's seen. Place-based labels tie an item directly to the region that made it unique.

• **Duration and Use:** Even when renewal is possible, a trademark stays active just so long as its user keeps applying it. A GI, on the other hand, holds up only while the connection to a place and how things are made there remains unchanged.

3. CONCEPT AND CHARACTERISTICS OF GEOGRAPHICAL INDICATIONS

3.1 Essential Elements of a Geographical Indication

From nowhere else quite like it, a GI ties stuff to where it truly belongs[31]. Not every label gets the nod only those passing strict checks make the cut. Belonging matters, proven by rules that dig into roots, place, and reputation alike[32].

• **Identifiable Geographical Origin:** The goods must originate from a specific territory, region,or,locality.

• **Quality, Reputation, or Characteristics:** The product must possess distinct qualities,

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[30] Geographical Indications of Goods (Registration and Protection) Act 1999, s 2(1)(e).

[31] Agreement on Trade-Related Aspects of Intellectual Property Rights (adopted 15 April 1994, entered into force 1 January 1995) 1869 UNTS 299, art 22(1).

[32] Geographical Indications of Goods (Registration and Protection) Act 1999, ss 11–13.

reputation, or other characteristics attributable to its place of origin.

• **Causal Link:** There must exist a direct nexus between the geographical environment (including natural and human factors) and the product's unique attributes.
• **Recognition in Trade and Commerce:** The indication must be recognized by consumers as denoting a particular geographical origin.

These elements ensure that GI protection is granted only to products that genuinely derive their uniqueness from their geographical setting, thereby preventing misuse or overextension of the concept.

3.2 Types of Goods Protected

Across India's courts, safeguards exist for many kinds of items - these tend to fall under certain types:

1. Agricultural Goods

From misty hills to sunbaked valleys, crops like tea, rice, and spices take on unique traits when rooted in certain lands. Soil types along with rainfall patterns help define how these foods taste and grow[33]. Take fruit harvested near volcanic slopes its flavor often carries hints of the earth it came from. Regions matter because weather plus ground conditions shape what comes out of them[34].

2. Natural Goods

Found in nature, things like rocks or plant juices count as natural products when people leave them mostly untouched. Because where they grow matters so much, the land itself decides how each one turns out. Not every forest gives the same resin, just like not every mountain yields identical crystals place shapes everything[35].

3. Manufactured Goods

From weaving to shaping, people craft these things by hand across certain areas. Whether it's

[33] Agreement on Trade-Related Aspects of Intellectual Property Rights (adopted 15 April 1994, entered into force 1 January 1995) 1869 UNTS 299, art 22(1).
[34] Dev Gangjee, *Relocating the Law of Geographical Indications* (Cambridge University Press 2012) 60–67.
[35] Geographical Indications of Goods (Registration and Protection) Act 1999, s 2(1)(e).

cloth or carved objects, each piece carries local know how[36]. Some part of making them be it cutting, stitching, or finishing happens only there. Handicrafts belong here because they grow from place-based methods passed through generations.Not just limited to raw materials, India's GI system also covers goods shaped by long held skills. What matters is origin, whether from land or craft passed down generations. Protection kicks in when place links directly to quality[37]. Think mangoes from a valley or handwoven cloth from a village. Each reflects its source through distinct traits. Recognition isn't only about nature's gifts but human effort too. Location becomes identity on labels[38]. From spices grown in specific soils to techniques kept alive for centuries, both qualify. The rule bends wide enough to include them all[39].

3.3 Ownership: Collective Rights Vs Individual Rights

What makes Geographical Indications different? Ownership isn't held by one person or company it spreads across a group. Unlike patents, which lock down inventions, these belong to everyone in a region who follows the rules[40]. Think of it this way: while trademarks protect brand names, GIs tie quality to place. Not owned privately, they reflect how location shapes product traits. This collective claim stands out when compared to most IP types[41].

• **Collective Ownership:** Ownership of geographical indications spreads across a network of producers, tied to no one person. Group control shapes how these names are used, rooted in location-based ties. A shared identity holds the rights, passed through common practice instead of private claim. Authority flows from regional presence, not personal ownership.

• **Authorized Users:** From inside the marked zone, growers may sign up as approved operators - this gives rights to sell under the GI label if their output hits set benchmarks. Meeting those rules on quality and making things right matters most for keeping that access.

• **Non-transferability:** What sets GIs apart from trademarks? They stay rooted - no selling, licensing, or shifting them away from their home region. Tied down not just by land but by

[36] Geographical Indications of Goods (Registration and Protection) Act 1999, s 2(1)(f).

[37] Irene Calboli and Ng-Loy Wee Loon (eds), *Geographical Indications at the Crossroads of Trade, Development and Culture* (Cambridge University Press 2017) 18–22.

[38] Agreement on Trade-Related Aspects of Intellectual Property Rights (adopted 15 April 1994, entered into force 1 January 1995) 1869 UNTS 299, art 22(1).

[39] Dev Gangjee, *Relocating the Law of Geographical Indications* (Cambridge University Press 2012) 71–74.

[40] Geographical Indications of Goods (Registration and Protection) Act 1999, Preamble and ss 11, 17.

[41] Geographical Indications of Goods (Registration and Protection) Act 1999, ss 11 and 17; Agreement on Trade-Related Aspects of Intellectual Property Rights (adopted 15 April 1994, entered into force 1 January 1995) 1869 UNTS 299, art 22.

people too - the ones who make what the place is known for. Ownership doesn't float free; it moves only if soil and makers move together.Together, this system works to spread financial gains more evenly while blocking companies from claiming sole rights to age-old practices tied to local goods. What backs it is a shield stopping outside groups from locking down heritage know-how connected to regional items.

3.4 Registration Process and Requirements

The registration of a Geographical Indication in India is governed by the Geographical Indications of Goods (Registration and Protection) Act 1999, and involves a structured procedure[42].

1. Filing of Application

An application may be filed by an association of persons, producers, or any organization representing the interests of producers. The application must include[43]:

- Name and description of the GI
- Geographical area of production
- Proof of origin
- Method of Production
- Unique characteristics of the product

2. Preliminary Scrutiny and Examination

The application is examined by the Registrar to verify compliance with statutory requirements. Any deficiencies must be rectified by the applicant.

3. Publication in the GI Journal

Once accepted, the application is published in the GI Journal to invite opposition from the

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[42] Geographical Indications of Goods (Registration and Protection) Act 1999; Geographical Indications of Goods (Registration and Protection) Rules 2002.
[43] s 2(1)(e); Agreement on Trade-Related Aspects of Intellectual Property Rights (adopted 15 April 1994, entered into force 1 January 1995) 1869 UNTS 299, art 22(1).

public.

4. Opposition Proceedings

Any person may oppose the registration within the prescribed time period. The Registrar adjudicates such disputes based on evidence and arguments presented.

5. Registration and Certification

If no opposition is filed or if the opposition is resolved in favor of the applicant, the GI is registered, and a certificate of registration is issued.

6. Registration of Authorized Users

Producers within the region may subsequently apply to be registered as authorized users, enabling them to legally use the GI. The registration is valid for ten years and can be renewed indefinitely, ensuring long-term protection of the GI.The concept and characteristics of GIs reveal that they are not merely economic tools but instruments that integrate law, culture, and geography. Their collective nature, strict eligibility criteria, and structured registration process ensure that protection is granted only to authentic products while promoting equitable benefit-sharing among producers.

4. INFRINGEMENT OF GEOGRAPHICAL INDICATIONS

4.1 Meaning and Scope of Infringement under the 1999 Act

Misuse of a Geographical Indication occurs when someone uses it without authorization in a manner that misleads consumers about the product's true origin[44]. Legal action arises when unauthorized parties label their goods with a protected name, creating the impression that the product comes from a particular region. Although the system is designed to protect authenticity, deceptive labeling can still lead to improper use. Because a product's geographical origin often supports claims about its quality, false or misleading associations are subject to legal evaluation. When a name is imitated but the product does not come from the designated area, courts may view this as an unfair attempt to benefit from another's reputation[45]. Since the

[44]Geographical Indications of Goods (Registration and Protection) Act 1999, s 22(1).
[45] s 22(1)(a). Geographical Indications of Goods (Registration and Protection) Act 1999, s 22(1).

enactment of India's Geographical Indications Act in 1999, such practices have been considered infringements, particularly when there is intent to mislead. Even indirect references that evoke a well-known region without explicitly naming it can potentially violate the law[46].

Many might assume that only clear falsehoods qualify as deceptive, but the law takes a broader view. It's not just about false statements misleading representations matter too[47]. What counts is how information comes across to consumers, not merely whether the facts are accurate. A name linked to a particular place carries value because people trust that association. Using such names without authorization undermines that trust, even if the technical details are correct. And even when origins are disclosed, the presentation can still violate rules if it distorts the buyer's understanding[48].

4.2 Forms of Infringement

1. Unauthorized Use

Using a protected name without authorization lies at the heart of geographical indication infringement. When individuals or businesses not officially recognized or approved apply such a designation to their products, it constitutes clear misuse[49]. This practice exploits the established reputation built by legitimate producers, bypassing the quality controls and geographical ties that define authentic goods. It captures value without adhering to the standards designed to preserve authenticity and integrity[50].

For example, labeling a product with a protected regional name when it's produced outside that region crosses ethical and legal boundaries. It misleads consumers and capitalizes on the trust and reputation rightfully earned by genuine products. Such actions consistently violate established regulations.

2. Misleading Geographical Origin

Misuse occurs when a geographic designation leads consumers to believe a product originates from a place it does not. Even if terms like "style" or "type" are included, misunderstanding

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[46] s 22(1)(b); V K Ahuja, *Law Relating to Intellectual Property Rights* (3rd edn, Lexis Nexis 2017) 600–603.
[47] s 22(1)(b); V K Ahuja, *Law Relating to Intellectual Property Rights* (3rd edn, LexisNexis 2017) 600–603.
[48] Geographical Indications of Goods (Registration and Protection) Act 1999, s 22.
[49] Geographical Indications of Goods (Registration and Protection) Act 1999, s 22.
[50] Agreement on Trade-Related Aspects of Intellectual Property Rights (adopted 15 April 1994, entered into force 1 January 1995) 1869 UNTS 299, art 22(2).

can persist[51]. The actual source becomes obscured, despite disclaimers in fine print, and buyers may still assume a connection that doesn't exist[52].Confusion arises not only from false claims but also from misleading cues, even when no direct deception takes place[53]. This ambiguity weakens the distinctiveness of genuine geographic names. Legal systems recognize this gradual erosion as harm in its own right. When a location-based name is repeatedly used in unrelated contexts, its association with a specific origin fade. Over time, subtle misrepresentations can significantly alter public perception[54].

3. Passing Off

The legal concept known as "passing off" protects the public's perception of a product and its perceived origin. If someone sells goods by falsely suggesting they come from genuine producers associated with a specific region, it creates confusion[55]. This constitutes passing off, even when the geographical indication isn't formally registered. While often tied to trademark principles, this doctrine also applies to geographical indications[56]. The key factor is whether there's a misleading impression that causes harm to legitimate producers. The injury arises not merely from imitation, but from deceiving consumers into believing something inaccurate about the product's source[57].

4. False Representation

False representation involves the use of deceptive labels, packaging, or descriptions that create a false impression about the geographical origin of goods. This includes[58]:

- Use of false or misleading indication on packaging
- Falsification of origin details
- Use of symbols or imagery associated with a particular region

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[51] Geographical Indications of Goods (Registration and Protection) Act 1999, s 22(1)(a).
[52] Agreement on Trade-Related Aspects of Intellectual Property Rights (adopted 15 April 1994, entered into force 1 January 1995) 1869 UNTS 299, art 23(1).
[53] Dev Gangjee, *Relocating the Law of Geographical Indications* (Cambridge University Press 2012) 191–196.
[54] Geographical Indications of Goods (Registration and Protection) Act 1999, s 22(1)(a) and (b).
[55] Geographical Indications of Goods (Registration and Protection) Act 1999, s 20(1).
[56] s 20(1); Reckitt & Colman Products Ltd v Borden Inc [1990] 1 WLR 491 (HL).
[57] Reckitt & Colman Products Ltd v Borden Inc [1990] 1 WLR 491 (HL) 499–500; Erven Warnink BV v J Townend & Sons (Hull) Ltd [1979] AC 731 (HL).
[58] Geographical Indications of Goods (Registration and Protection) Act 1999, s 22(1)(a) and (b).

Such practices not only violate statutory provisions but also amount to unfair trade practices, harming both consumers and genuine producers.

5. REMEDIES FOR INFRINGEMENT

What makes Geographical Indication (GI) protection work well depends largely on clear ways to respond when rules are broken[59]. India handles this through the Geographical Indications of Goods (Registration and Protection) Act, passed in 1999, which sets up several paths for enforcement[60]. Instead of just one option, it combines court-based solutions, penalties set by law, and decisions made by officials. Because of these tools, those who hold GI rights can seek help if someone misuses their mark. At the same time, knowing there are consequences may stop others from trying. Over time, such steps help keep the meaning and worth of certified GIs intact. Without them, trust in the label could weaken[61].

6. CHALLENGES IN ENFORCEMENT OF GI RIGHTS

Even with clear laws like the Geographical Indications of Goods (Registration and Protection) Act from 1999, India struggles to back up GI rights in practice[62]. Because enforcement falls short, these markers often fail to support local economies or protect traditional knowledge as intended[63].

7. SUGGESTIONS AND RECOMMENDATIONS

A strong set of rules now guards India's Geographical Indications, yet real progress waits on sharper enforcement, clearer understanding among people, along with stronger reach beyond borders. To lift these protections higher, suggested steps aim at widening their impact socially, economically for those who depend on them most.

7.1 Strengthening Enforcement Mechanisms

- A major limitation of the current GI regime lies in weak enforcement. To address this, there is a need to:

[59] *Geographical Indications of Goods (Registration and Protection) Act 1999*, ss 20–22.
[60] *Geographical Indications of Goods (Registration and Protection) Act 1999*, ch VIII and ss 66–67.
[61] *Geographical Indications of Goods (Registration and Protection) Act 1999*.
[62] Dev Gangjee, *Relocating the Law of Geographical Indications* (Cambridge University Press 2012) 241–248.
[63] *Ibid* :249–255.

- Establish specialized intellectual property enforcement units at regional and national levels
- Ensure capacity-building of police, customs officials, and judicial officers in handling GI-related disputes
- Speed up dispute resolution through dedicated IP courts or similar bodies. Just as crucial, improve collaboration between law enforcement agencies to address broad scale violations, particularly within unofficial marketplaces and international trade channels.

7.2 Increasing Awareness and Training Programs

Awareness among stakeholders, especially producers and artisans, is critical for the success of GI protection. The government and related institutions should:

- Conduct grassroots awareness campaigns in rural and semi-urban areas
- Organize training programs and workshops on GI registration, branding, and legal rights
- Collaborate with educational institutions and NGOs to disseminate knowledge

Such initiatives would empower producers to not only protect their rights but also leverage GI status for better market access and economic benefits.

7.3 Enhancing International Protection

Given the increasing instances of misuse of Indian GIs abroad, it is imperative to strengthen their protection in international markets[64]. This can be achieved by:

- Pursuing bilateral and multilateral agreements for mutual recognition of GIs
- Expanding India's participation in international frameworks administered by the World Intellectual Property Organisation

[64] Agreement on Trade-Related Aspects of Intellectual Property Rights (adopted 15 April 1994, entered into force 1 January 1995) 1869 UNTS 299 (TRIPS Agreement) arts 22–24.

- **Facilitating registration of Indian GIs in foreign Jurisdictions**

7.4 Policy Reforms

To further strengthen the GI framework, targeted policy reforms are necessary, including:

• Simplification of registration procedures to make them more accessible to small producers

• Financial and institutional support for producer associations

• Integration of GIs with national initiatives such as rural development, tourism, and export promotion policies

• Development of a comprehensive GI commercialization strategy focusing on branding, packaging, and global marketing

Because new challenges pop up think online markets or global supply chains rules around geographic labels need constant review. Staying alert means adjusting how those rules work. When updates happen regularly, the system keeps pace with change. Without shifts over time, it risks falling behind. What worked before might not fit today's world. So tweaking approaches now helps maintain trust later. Most suggested steps point one clear way: real progress needs more than laws alone. Think broader include money systems, tech tools, plus how groups operate day to day. Strength in geographical indication rules comes through steady follow-through, not paper promises. People who rely on these protections must have space to speak up, step in. Global talks matter too, since borders rarely block shared challenges.

Done right, these moves help GIs turn into strong supports for greener growth across India. They hold culture alive while opening doors for local economies. Progress like this takes root when tradition meets new chances. Growth follows where knowledge sticks and communities stay involved.

8. CASE LAWS ON GI INFRINGEMENT

1. Tea Board of India v. ITC Limited (2011) – Darjeeling Tea Case[65]

[65] Tea Board, India v ITC Ltd, GA No 2506 of 2011, CS No 233 of 2011 (Calcutta High Court, 2011).

Facts:

The Tea Board of India, the registered proprietor of the GI "Darjeeling," filed a case against ITC Limited for using the name "Darjeeling Lounge" for its hospitality and tea-related services. The Tea Board argued that "Darjeeling" is a protected GI exclusively associated with tea grown in the Darjeeling region.

Issue:

Whether the use of the term "Darjeeling Lounge" by ITC amounted to GI infringement or misleading representation under the Geographical Indications of Goods (Registration and Protection) Act, 1999.

Judgment:

The Calcutta High Court ruled in favor of ITC Limited and held that no GI infringement occurred.

Reasoning:

- The court emphasized that infringement requires likelihood of confusion among consumers.
- "Darjeeling" was used as part of a service name, not directly for selling tea falsely labeled as Darjeeling tea.
- There was no evidence of unfair competition or deception.

Legal Principle:

GI infringement is not established merely by use of a protected term; there must be deceptive use affecting consumer perception.

2. Tea Board of India v. Mitsui Norin KK (Japan)[66]

Facts:

[66] Tea Board of India v Mitsui Norin KK, Opposition Decision No 2006-900310 (Japan Patent Office, 2007).

The Tea Board opposed the registration of the trademark "Divine Darjeeling" by a Japanese company.

Issue:

Whether the use of "Darjeeling" outside India diluted or infringed the GI.

Judgment:

The Japan Patent Office rejected the opposition, allowing the mark.

Reasoning:

- The authority found no direct consumer deception in that jurisdiction.
- GI exclusivity was not considered absolute internationally.

Legal Principle:

GI protection is territorial and depends on recognition in the relevant jurisdiction.

9. CONCLUSION

Where location meets law, Geographical Indications link culture, creativity, and commerce. These labels do more than show where something comes from, they protect shared know how, defend group ownership, give farmers and artisans a voice. India's GI Act from 1999 builds a structure that lines up with global rules, particularly WTO standards. Its backbone lies in clear steps for registering, shielding, pursuing violations backed by court actions or penalties. Still, real progress stumbles when practice fails to match policy, held back by deep rooted gaps in how things work day to day. One study shows how fake labels, wrong origin tags, or lying about source can damage both trust and value behind protected names. Even when laws exist to respond, weak follow through slows results. Court steps take too long. Proving misuse gets tricky especially where markets lack structure or rules cross national lines.

Looking at things through a social and economic lens, geographical indications can open doors for countryside growth, give small makers better footing, even lift how well products sell abroad. These labels keep heritage alive, often go hand in hand with eco-friendly methods.

Still, not everyone gains the same some miss out because few know about them, markets stay hard to reach, support systems run thin. Even if new rules and digital advances suggest improvements ahead, one thing stands clear: tougher oversight must happen now, people everywhere should understand their value, global protections need deepening, ways like blockchain could track authenticity more reliably. Still, India's GI system stands strong in theory and rules. Yet what it achieves hinges on how well it works in practice. Progress means sharpening policies over time. It also demands real involvement from everyone linked to it. Success comes when laws meet market efforts alongside smart use of new tools. This mix can turn GIs into more than legal labels. They become levers for fair, lasting development amid world trade.