
THE LIMITS OF INDIAN IP LAW: THE PRADA-KOLHAPURI CHAPPAL DISPUTE AND INDIA'S IP REGIME ON TRIAL

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ABSTRACT

The rapid expansion of global luxury retail into indigenous design markets has introduced complex legal and ethical challenges, particularly for traditional craft communities, as highlighted by controversies like the PRADA-Kolhapuri chappal dispute. This paper examines critical issues surrounding the adequacy of India's Geographical Indications of Goods (Registration and Protection) Act, 1999 in protecting traditional brand identities and indigenous craftsmanship from appropriation by international fashion houses. Global brands replicate the design, aesthetic, and cultural essence of GI-protected products without securing appropriate authorisation, raising regulatory concerns about the scope of statutory protection, and the legal position of the artisan communities seeking redressal. Furthermore, the absence of extraterritorial enforceability and the confinement of protection to the registered name alone have raised uncertainties for indigenous producers. The paper advocates for a comprehensive reform of the GI framework, extending protection to design and cultural representation, enabling cross-border enforcement, and incorporating unfair competition safeguards, to ensure genuine recognition and economic accountability in this evolving landscape of a globalised marketplace.

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I. Introduction

India's intellectual property (IP) regime has been under constant scrutiny in the recent past due to the frequent attempts of global brands at appropriating traditional Indian products without crediting their roots. The rise in these acts of cultural misappropriation has led to a demand for reformation of the Indian intellectual property enforcement mechanisms to ensure that the local artisans have the ability to defend their heritage and craftsmanship. The PRADA-Kolhapuri chappal controversy brought into focus the complexities involved in safeguarding traditional brand identities under the Geographical Indications (GI) framework while confronting the challenge of its effective enforcement, and exemplifies how traditional brands struggle to assert their identity in the international marketplace.

II. Navigating the Complexities of Brand Identities in India

Brand identity in India is more than protecting trademarks and copyrights, it is about safeguarding the Indian craftsmanship, centuries-old traditions and the cultural heritage from being diluted or exploited by outsiders. In contrast to the typical Western understanding of a brand, the Indian brand identity is often a blend of indigenous cultural and regional legacy with commercial trademarks. It is this duality that makes the Indian brands vulnerable to misappropriation, and even extinction. Some foreign brands, with the aim of incorporating exclusivity and ethical sourcing into their brand identity, are opting for a more 'handicraft-style' for their products and are seeking inspiration from the indigenous crafts of different regions and cultures of the world, including India.

The PRADA-Kolhapuri Chappal dispute is not an isolated incident, rather it showcases a pattern that the law hasn't caught up to yet. It represents this recent trend of cultural misappropriation where Indian heritage crafts are being replicated and commodified without due credit or compensation, whether it be the traditional Indian dupattas being portrayed as 'Scandinavian Scarves',² Gucci marketing the traditional Sikh turban as 'Indy Full Turban',³

² Omar, P. (2025) Is the 'scandinavian scarf' just the Indian 'Dupatta' in disguise? the latest fashion appropriation after Bandhani and Pashmina, The Economic Times. Available at: <https://economictimes.indiatimes.com/magazines/panache/is-the-scandinavian-scarf-just-the-indian-dupatta-in-disguise-the-latest-fashion-appropriation-after-bandhani-and-pashmina/articleshow/120896135.cms?from=mdr> (Accessed: 04 July 2026).

³ Kaur, H. (2019) Here's why Sikhs were offended by this \$790 Gucci turban, CNN. Available at: <https://edition.cnn.com/style/article/gucci-turban-sikh-trnd> (Accessed: 04 July 2026).

or H&M's use of Rajasthan's GI-protected block prints.⁴

Furthermore, the protection of brand identity poses a greater challenge for the traditional Indian handicrafts than for the larger established corporations. This is because the existing IP laws often fail to adequately protect the cultural and design elements associated with particular handicraft styles or products, and the lack of legal awareness and resources among artisan communities leaves them vulnerable to replication and misappropriation, in contrast to the big brand-names, which are far better equipped at defending their identities.

III. The Geographical Indication Act and its Role in Protecting India's Cultural Heritage

India's active commitment to preserve its cultural heritage and the traditional knowledge of the indigenous artisan communities was given a legal recognition with the enactment of Geographical Indications of Goods (Registration and Protection) Act, 1999⁵ ("GI Act") and Geographical Indications of Goods (Registration and Protection) Rules, 2002⁶ ("GI Rules"). The GI Act and the GI Rules were in response to India's obligations under the Trade-Related Aspects of Intellectual Property Rights Agreement⁷ ("TRIPS Agreement") to lay down stringent intellectual property protection mechanisms. Under Section 2(1)(e) of the GI Act,⁸ a geographical indication is a legal recognition that identifies a product as originating from a specific geographical location or possessing characteristics attributable to such origin.

Geographical Indication (GI) tags serve as a specialised and unique intellectual property right wherein a product or its specific characteristics are attributed to its geographical origins. This framework grants exclusive rights to only the authorised individuals within the registered geographical area to use the protected name, thereby preventing imitation or misrepresentation and protecting cultural assets, craftsmanship and regional authenticity. The restriction on the use of GI labelled products also facilitates protecting the economic interests of the artisan communities who rely on the handicraft products for their livelihood.

⁴ Vasudev, S. (2021) Whose craft is it anyway? Sabya Row Sparks important debate - times of india, The Times of India. Available at: <https://timesofindia.indiatimes.com/home/sunday-times/whose-craft-is-it-anyway-sabya-row-sparks-important-debate/articleshow/85517145.cms> (Accessed: 04 July 2026).

⁵ Geographical Indications of Goods (Registration and Protection) Act, No. 48 of 1999.

⁶ Geographical Indications of Goods (Registration and Protection) Rules, 2002, Gazette of India, Extraordinary, part II, sec. 3(i) (Mar. 8, 2002).

⁷ Agreement on Trade-Related Aspects of Intellectual Property Rights, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1C, 1869 U.N.T.S. 299, 33 I.L.M. 1197 (1994).

⁸ Geographical Indications of Goods (Registration and Protection) Act, No. 48 of 1999, § 2(1)(e).

While, on the face of it, the legal protection offered through GI tags seems similar to that through a trademark, 'GI' is a certificate of recognition of the origin of a product to be from a particular geographic territory, and a 'trademark'⁹ is a legally registered symbol that can be associated with a company or product. The GI registration of the Kolhapuri chappals jointly covers eight districts, wherein only these specific districts are authorised to use the 'Kolhapuri' name for the sandals for commercial purposes. Pursuant to Section 22 of the GI Act,¹⁰ infringement shall be constituted only in case of an unauthorised person utilising the registered GI deceptively, i.e., using registered GI name, literally or by false representation, for products not originating from the registered geographical area, to mislead the consumers about the true origin of the product. However, in the present case, the absence of any explicit use of the GI-protected name or deceptive indication by PRADA, no prima facie infringement arises under the current GI regime. Furthermore, a replication of a general design or aesthetic of the footwear, without the use of the GI-protected name, currently remains beyond the scope of protection conferred by the GI Act.

It is also pertinent to note that Section 21 of the GI Act¹¹ grants only the authorised users of the GI to file an action for infringement. The Bombay High Court reaffirmed this by dismissing the PIL filed against PRADA to seek judicial intervention to restrain PRADA from commercialising and using 'Toe Ring Sandals' without securing authorisation from the registered proprietors, and reiterated that the present issue cannot be pursued through a PIL and that only the registered proprietors could bring an action against PRADA if they believed their proprietary right had been infringed.

IV. Reforming IP Enforcement Mechanisms in India

India's continued efforts to strengthen the current IP enforcement mechanism are aimed at addressing the shortcomings of the current regime, which, while promising in theory, fail to address all aspects of IP protection comprehensively. The PRADA-Kolhapuri Chappal controversy serves as a critical example of the complexities and limitations of the current IP regime. The case also underscores the pressing need for substantive reformation to ensure effective protection and empowerment of indigenous brands, securing economic benefits and

⁹ Trade Marks Act, No. 43 of 1999, § 2(1)(zb).

¹⁰ Geographical Indications of Goods (Registration and Protection) Act, No. 48 of 1999, § 22.

¹¹ Geographical Indications of Goods (Registration and Protection) Act, No. 48 of 1999, § 21.

appropriate recognition for genuine producers.

The present GI regime extends its legal protection exclusively to the registered name associated with the product and, on unauthorised association with the registered region, but does not encompass protection of the design or the general aesthetic of the product. Consequently, while the GI Act permits only the registered producers to use the registered GI name, third parties are legally not restricted from replicating the design of the product so long as such party avoids the registered name in their marketing campaign. Thereby, in the present case, no statutory infringement arises as PRADA is marketing the footwear solely as 'leather sandals inspired by Indian traditions,' without using the GI-protected name.

The most significant limitation in the enforcement of intellectual property rights under the Indian regime is with respect to its territorial scope. The GI registrations hold enforceability only within the jurisdiction of the subcontinent of India and do not have an extraterritorial effect, i.e., the Act offers no legal recourse against the production of imitative products in any other jurisdiction.

Therefore, the existing GI framework fails to adequately account for instances of cultural misappropriation unless there is an explicit misuse of a registered name, leaving the rich cultural and traditional heritage of India susceptible to exploitation at the hands of global brands.

V. Way Forward

To enhance the effectiveness and comprehensiveness of GI in India, and to ensure protection of the economic and cultural rights of the indigenous communities, it is important to address the deficiencies of the current legal framework.

1. Expansion of the Ambit of Statutory Protection

First and foremost, the GI Act should be amended to extend protection beyond the name of the product and should also include the distinct design and aesthetic of the product, the production techniques, and even the associated cultural representations. This would assist in preclusion of indirect misappropriation, i.e. in cases where the registered name is not employed, as in the PRADA-Kolhapuri chappal case.

2. Provision for Extraterritorial Jurisdiction

The GI Act should be supplemented by bilateral and multilateral agreements, as in the case of the Indian Copyright Act, 1957, under Section 40,¹² providing for mutual recognition and for the enforcement of Indian GIs even in foreign jurisdictions, thereby enabling the registered proprietors to seek legal remedies even in cases of infringement by global entities.

3. Incorporation of Provisions for Unfair Competition

The Indian IP framework should also incorporate provisions to address cases of cultural misappropriation or imitation, irrespective of whether the registered GI is expressly used. This is in line with Article 10bis of the Paris Convention for the Protection of Industrial Property¹³ (“Paris Convention”), where India, being a party to the TRIPS Agreement, is under the obligation to ensure compliance with treaties, including the Paris Convention. More importantly, India has time and again amended its laws and regulations to meet the evolving standards of the TRIPS Agreement.

VI. Conclusion

Reformation of the existing Indian IP regime is in need of a more holistic and substantive approach, rather than mere procedural refinement, to bridge the prevalent deficiencies of the framework by emphasising legal awareness and institutional support and promoting its accessibility. As India attempts to strengthen its role in the global economy, it becomes crucial for the legislators to initiate appropriate statutory measures to broaden the scope of protection under the national IP regime and enhance its enforcement mechanisms. Such measures must be aimed towards ensuring genuine recognition and securing equitable economic benefit for the bona fide producers within the country. Establishing a robust and inclusive IP framework is vital not only for the protection and promotion of the legal rights and legitimate interests of Indian craftsmen but also for the preservation of the cultural legacy of India in this increasingly interconnected world.

¹² Copyright Act, No. 14 of 1957, § 40.

¹³ Paris Convention for the Protection of Industrial Property art. 10bis, Mar. 20, 1883, 21 U.S.T. 1583, 828 U.N.T.S. 305.