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# **GEOGRAPHICAL INDICATIONS AND THE INDIAN LEGAL FRAMEWORK: PRESERVING HERITAGE IN THE AGE OF GLOBALIZATION**

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## **ABSTRACT**

Geographical Indications (GIs) are an important category of intellectual property rights linking products to their particular geographical origin and highlighting their unique qualities or characteristics derived from that location. GIs play a dual role, where on one side they help to protect cultural heritage & traditional knowledge and on the other, also acting as a safeguard against unfair competition by ensuring consumer trust. By rewarding local producers, GIs act as an instrument for rural empowerment and economic development. In India, the protection of GIs is governed by the Geographical Indications of Goods (Registration and Protection) Act, 1999, which was enacted to fulfill India's obligations under the WTO-TRIPS Agreement. The Act provides framework for registration and enforcement of GIs, including civil and criminal penalties for infringement.

Despite this legal framework, significant challenges remain. Issues such as misuse of GI tags, inadequate enforcement mechanisms, limited awareness among producers, and insufficient global recognition continue to undermine the effectiveness of the law. Products such as Darjeeling Tea, Banarasi Sarees, Mysore Silk, Byadagi Chilli, and Coorg Coffee reflects both pros and cons of GI protection in India. Even though these products illustrate the advantage of GIs in global markets and cultural protection, they simultaneously highlight the enforcement challenges and unequal distribution of gains. This paper critically analyzes the Indian GI regime, focusing on its ability to balance the preservation of heritage with economic development. It concludes that only through necessary steps like awareness initiatives, coupled with vigorous support, and wide-range of consistent & effective enforcement mechanisms, an individual can realize the full potential of GIs in a globalized market.

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**Keywords:** Geographical Indications (GIs), Cultural heritage, Globalization, TRIPS Agreement, Economic Development

## **Hypothesis**

Legal uncertainty is increased and foreign GI registration success rates are decreased when different jurisdictions have different evidentiary and procedural criteria.

## **Research Problem**

The lack of standard international protection for Indian Geographical Indications leads to uneven and inconsistent recognition across jurisdictions, leading to the fact that producer groups engage in multiple foreign registration processes, which increases costs, generates legal uncertainty, and weakens the goal of internationally safeguarding traditional products.

## **Research questions**

1. How strongly do the differences in evidentiary requirement criteria across countries predict acceptance, rejection, or delay of Indian GI filings?
2. To what degree do treaty obligations under TRIPS explain evidentiary variance among GI registries, relative to domestic legislative and administrative choices?
3. What evidence exists that jurisdictions with defined specification formats and prescriptive evidential procedures surpass those with open-ended standards in terms of GI settlement rates?

## **Research Objective**

- To analyze the effectiveness of the Geographical Indications of Goods (Registration and Protection) Act, 1999, in protecting India's traditional knowledge and cultural heritage.
- To look into the difficulties caused by regional differences in the procedural and evidentiary requirements for GI enforcement and registration, as well as the effects these differences have on the protection of Indian GIs abroad.
- To assess the benefits and limitations of GI protection for producer groups.

- To identify the systemic flaws, information problems, and enforcement gaps that prevent individuals and organizations from receiving GI benefits fairly.
- To recommend administrative, policy, and legal reforms that could improve GI recognition, lessen legal uncertainty and encourage stable economic growth in a global market.

## **Methodology**

The doctrinal research method - The said research approach is appropriate, since the paper's focus is on examining laws and court rulings rather than conducting field research or gathering data. This paper addresses the Geographical Indications of Goods (Registration and Protection) Act of 1999, important case laws, & India's obligations under WTO-TRIPS Agreement, considering that the purpose and the objective of the paper is to analyze how the existing laws operate, identify enforcement loopholes, and recommend legal reforms.

## **Existing Legal Situation**

1. Geographical Indications of Goods (Registration and Protection) Act, 1999
  - s.11(2) - States what proofs and documents must be given when someone applies for a GI like details of where the product comes from and what makes it special.
  - s.22 - Explains what counts as infringement using a GI name falsely or in a way that confuses people.
2. Geographical Indications of Goods (Registration and Protection) Rules, 2002
  - Rules 23 to 32 - Give the step-by-step list of everything an applicant must include in a GI application including evidence of the product's unique qualities
3. Trade Marks Act, 1999
  - s.9(1)(c) - Refuses a trademark if the name is already a common or generic term.
  - s.11(3)(a) - Stops a trademark from being registered if it clashes with an existing

GI.

#### 4. TRIPS Agreement (WTO)

- Ar.22 - States the basic world definition of a GI and the minimum protection all WTO members must provide.

### Introduction

In today's globalized world, preserving regional heritage, traditional knowledge, and community identity has gained more prominence within the framework of intellectual property law. One such form of protection is Geographical Indications (GIs), which associate a product with its particular region of origin and acknowledge the distinctive attributes, reputation, or traits that originate from that location.<sup>3</sup> By empowering local producers and supporting community-based economies, GIs preserve the unique characteristics of products and also promote sustainable rural development.<sup>4</sup> They bridge the gap between culture and commerce, ensuring that traditional practices retain their economic relevance in a modern global marketplace.

According to WIPO (World Intellectual Property Organization), a GI is “a sign used on products that have a specific geographical origin and possess qualities or a reputation that are due to that origin. In order to function as a GI, a sign must identify a product as originating in a given place.”<sup>5</sup> Similarly, Article 22(1) of the WTO–TRIPS Agreement defines a GI as “an indication which identifies a good as originating in the territory of a Member, or a region or locality in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin.”<sup>6</sup>

Furthermore, Dev Gangjee explains GIs as “signs which connect the quality and reputation of a product to its geographical origin, acting as a bridge between law, culture, and commerce.”<sup>7</sup> All of these definitions highlight that GIs are protectors of cultural identity, authenticity, and

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<sup>3</sup> N.S. Gopalakrishnan, *Legal and Institutional Issues in Protecting Geographical Indications*, 12 J. Intell. Prop. Rts. 198 (2007).

<sup>4</sup> Md Tanweer Alam, *Geographical Indications as Tools for Sustainable Development in Rural Areas - Educational Administration: Theory and Practice*, 2024.

<sup>5</sup> <https://www.wipo.int/en/web/geographical-indications> - WIPO (Last Visited on Nov. 2025)

<sup>6</sup> [https://www.wto.org/english/tratop\\_e/trips\\_e/ta\\_docs\\_e/modules4\\_e.pdf](https://www.wto.org/english/tratop_e/trips_e/ta_docs_e/modules4_e.pdf) - TRIPS

<sup>7</sup> <http://ndl.ethernet.edu.et/bitstream/123456789/11221/1/3.pdf> - Relocating the Law of Geographical Indications 3 (Cambridge University Press, 2012).

collective economic rights in addition to functioning as product identifiers.

Historically, the idea of linking goods to their place of origin dates back centuries, with examples such as Champagne from France and Roquefort Cheese from Europe, which were recognized for their regional uniqueness long before formal legislation existed.<sup>8</sup> The concept evolved internationally through the Paris Convention (1883)<sup>9</sup> and later received comprehensive protection under the TRIPS Agreement (1994). The global recognition of GIs today reflects an intersection of economic interest, cultural preservation, and consumer protection.

The nature of GIs is collective rather than individual, they belong to all the producers from a specific region who meet defined quality standards and production processes.<sup>10</sup> Their characteristics lie in authenticity, reputation, and the preservation of traditional methods passed through generations. GIs thus operate not merely as commercial tools but as instruments for safeguarding heritage, preventing cultural misappropriation and rural development.<sup>11</sup>

The Geographical Indications of Goods (Registration and Protection) Act, 1999, which was passed in accordance with the WTO–TRIPS Agreement, provides protection for GIs in India.<sup>12</sup> A thorough structure for registration, protection, and enforcement is provided under the Act. The Act intends to strengthen local producers by guaranteeing registration, rights protection, and enforcement. It protects traditional products that represent India's cultural diversity and richness, like Coorg coffee, Mysore silk, Banarasi sarees, Byadagi chilli, and Darjeeling tea.<sup>13</sup> However, despite notable progress, challenges such as **misuse of GI tags, lack of awareness among producers, weak enforcement, and unequal distribution of benefits** remain persistent issues.

Furthermore, there are major obstacles to the global recognition of Indian GIs, including the lack of a standardized international framework and different evidential requirements among jurisdictions. These differences lead to increased registration fees, legal uncertainty, and the possibility exploitation by foreign entities. As an outcome, recognizing the advantages and disadvantages of India's GI regime is crucial for formulating policies that strengthen protection,

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<sup>8</sup> M. Blakeney, *The Protection of Geographical Indications: Law and Practice* (Edward Elgar Publishing, 2019).

<sup>9</sup> [https://www.unido.org/sites/default/files/2014-04/Paris\\_Convention\\_0.pdf](https://www.unido.org/sites/default/files/2014-04/Paris_Convention_0.pdf) - Paris Convention 1883 (Last Visited on Nov. 2025)

<sup>10</sup> *Introduction to Geographical Indications* (WIPO Academy 2021).

<sup>11</sup> *Geographical Indications and Cultural Identity: The Indian Experience*, Intell. Prop. Rts. 145 (2018).

<sup>12</sup> The Geographical Indications of Goods (Registration and Protection) Act, No. 48 of 1999, Preamble (India).

<sup>13</sup> "Registered Geographical Indications," Ministry of Commerce and Industry, Government of India (2023).

enhance enforcement, and guarantee that local producers as well as communities, the real keepers of traditional knowledge get fair benefits in an increasingly globalized economy.

## **Evidentiary Disparities and Procedural Challenges in the Global Recognition of Indian GIs**

The acceptance, rejection, or delay of Indian Geographical Indication (GI) applications in global markets is significantly influenced by the differences in evidential and procedural requirements across jurisdictions. These differences, which result from various legal customs and administrative frameworks, create obstacles in the process that impact the effectiveness and assurance of India's attempts to protect its GI overseas.

Under the Geographical Indications of goods (Registration and Protection) Act, 1999, Section 11(2), requires applicants to submit documentation proving the product's validity or uniqueness, as well as proof of origin, geographical information, and product data.<sup>14</sup> The Indian approach allows for flexibility by recognizing community remarks, historical usage, and local records as reliable sources of information. This strategy is intended to be affordable for rural and small-scale producer groups.

However, the evidentiary standards required in other jurisdictions, particularly in the European Union (EU) and United States, are much more stringent. The EU Regulation (No. 1151/2012)<sup>15</sup> requires thorough product specifications, historical records, and verification procedures that show how the product's quality is related to its location. In contrast, the United States protects GIs through its certification mark system, which does not rely on uniqueness based on origin but rather on proof of constant quality control, customer recognition, and oversight.<sup>16</sup> As a result, evidence that is acceptable in India frequently isn't accepted overseas, which causes delays in the legal process or outright rejection.

India's first registered GI, Darjeeling Tea, is a remarkable example. Despite being successfully registered in the EU, the procedure required a lot of verification, including thorough records of

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<sup>14</sup> The Geographical Indications of Goods (Registration and Protection) Act of 1999 – s.11(2)

<sup>15</sup> <https://eur-lex.europa.eu/eli/reg/2012/1151/oj/eng> - Regulation (EU) No. 1151/2012 of the European Parliament and of the Council of 21 Nov. 2012 on Quality Schemes for Agricultural Products and Foodstuffs, 2012 O.J. (L 343) 1. (Last Visited on Nov. 2025)

<sup>16</sup> U.S. Trademark Act of 1946 (Lanham Act), 15 U.S.C. § 1054 (Certification Marks)

production processes, past trade histories, and the product's reputation.<sup>17</sup> In the United States, where quality control system verification was prioritized over geographic uniqueness, the identical product encountered additional procedural challenges. Similar to this, Basmati rice had challenges in a number of places as a result of prolonged court battles due to disagreements in evidence regarding the rice's genetic distinctiveness and geographic boundaries.<sup>18</sup>

Handicrafts and traditional goods such as **Pochampally Ikat**, **Kanchipuram Silk**, and **Byadagi Chilli**<sup>19</sup> face even larger obstacles as these lack written or scientific documentation of their production practices, relying instead on oral traditions and collective knowledge. Foreign authorities, particularly in Europe and North America, often reject such non-technical evidence as insufficient, leading to procedural backlogs and delays.

Article 22(1) of the TRIPS Agreement (1994) defines GIs broadly and requires member nations to offer protection but it makes no reference of standard evidentiary practices.<sup>20</sup> Because of this, countries are free to adopt different standards, which could lead to uneven enforcement and fragmented recognition. The issue becomes worse by the absence of Mutual Recognition Agreements (MRAs) between India and the major trading nations, since Indian GIs are required to submit thorough paperwork reviews and verification for every jurisdiction.<sup>21</sup>

These differences put financial and administrative burden on Indian producer associations because it is difficult to gather, translate, and certify documents to satisfy various evidentiary requirements. This discourages smaller groups from applying for foreign protection altogether. Because of this, many local producers are still not able to take advantage of global protection, while few well-funded groups like the Spices Board or the Tea Board of India<sup>22</sup> have been able to obtain global GI recognition.

Moreover, the differences in information leads to dispute between GIs and trademarks. The Indian Trade Marks Act, 1999, states in Section 11(3)(a)<sup>23</sup> that trademarks that clash with

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<sup>17</sup> Tea Board of India v. ITC Ltd., (2011) 45 PTC 561 (Cal)

<sup>18</sup> <https://intellectual-property-helpdesk.ec.europa.eu> - *India-Pakistan Basmati Rice Dispute*, European Commission Trade File No. 145/2006

<sup>19</sup> GI Registry of India, *Registered Geographical Indications*, Ministry of Commerce and Industry (2023)

<sup>20</sup> [https://www.wto.org/english/docs\\_e/legal\\_e/27-trips\\_01\\_e.htm](https://www.wto.org/english/docs_e/legal_e/27-trips_01_e.htm) - Agreement on Trade-Related Aspects of Intellectual Property Rights art. 22(1), Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, 1869 U.N.T.S. 299.

<sup>21</sup> WTO, *Council for TRIPS: Review of the Implementation of Article 23.4 of the TRIPS Agreement* (2020).

<sup>22</sup> P. Nair, *The Economic Impact of GI Protection in India: A Study on Darjeeling Tea and Spices Board Practices*, 24 J. World Intell. Prop. 310 (2021).

<sup>23</sup> Trade mark act of 1999

already-existing GIs are prohibited. However, in jurisdictions like the U.S., trademarks and certification marks can coexist if no consumer confusion is shown, adding another layer of legal uncertainty for Indian applicants.

These differences in evidentiary standards cause delays, higher expenses, less successful outcomes, more legal uncertainty for Indian GIs internationally and to improve the worldwide protection of its GIs, India must strive toward the harmonization of evidentiary standards, bilateral recognition agreements, and institutional assistance for producer groups.

### **TRIPS Framework & Domestic Realities: Explaining Variations in Geographical Indication Systems**

Only a minimal requirement for geographical indication (GI) protection is provided by the WTO's TRIPS Agreement. According to its definition, a GI is a mark that identifies a product as being from a region where its reputation or the quality is associated with that region.<sup>24</sup> However, TRIPS Articles 22–24 do not specify how GIs must be registered, proven, or enforced and instead they only mandate that members refrain from using deceptive GIs. Because of this flexibility, each member is able to create its own procedures, which leads to a wide range of administrative and evidential needs across the globe.

The GI Registry in Chennai monitors the sui generis GI system established by India's Geographical Indications of Goods (Registration and Protection) Act, 1999.<sup>25</sup> In-depth product descriptions, maps, historical proof of origin, production techniques, and confirmation of uniqueness are among the many documents that applicants, usually the producer associations have to submit. Additionally, foreign candidates have to show that their GI is already protected in their nation of origin. Applications are reviewed by the Registry, which also permits objection and provide protection for ten years. As a result, India's procedure requires a lot more paperwork than TRIPS's minimal requirements.

The Protected Designation of Origin (PDO) and Protected Geographical Indication (PGI) schemes of the European Union's GI framework, as outlined in Regulation 1151/2012, similarly demand strict proof.<sup>26</sup> Precise specifications and "proof of origin" backed by historical,

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<sup>24</sup> *TRIPS*, 1994, Article 22(1).

<sup>25</sup> *The Geographical Indications of Goods (Registration and Protection) Act, 1999*, Section 11(2).

<sup>26</sup> European Union, *Regulation (EU) No. 1151/2012 on Quality Schemes for Agricultural Products and Foodstuffs*, Article 7.



scientific, or cultural data are required for applications. A six-month opposition period, publishing, and review at the national and Commission levels are all part of the EU procedure. Additional evidentiary requirements may be imposed by member states. For instance, Spain mandates official reports on possible trademark disputes and evidence of commercial use.<sup>27</sup> These procedural layers, which are not included in TRIPS, show how the practical difficulty of obtaining GI protection is shaped by domestic legislation.

For Indian GIs serving overseas, the gap between TRIPS's vague guidelines and specific country regulations has serious consequences. Indian producers must meet each jurisdiction's specific evidentiary requirements, often facing delays and uncertainty.

This is demonstrated by the Darjeeling Tea case in Japan, where local trademark applications continued disregarding India's GI registration since the decision was determined by domestic Japanese law.<sup>28</sup> Similar to this, Nepal opposed India and Pakistan's joint GI for Basmati rice in the EU, and their claim was unsuccessful as there wasn't enough supporting documentation.<sup>29</sup> In many situations, complying with procedural proof requirements is more important for success than shared tradition.

These differences lead to unequal recognition on a global basis. Only a small percentage of India's more than 600 GIs are recognized in the EU or elsewhere, despite the country having more than 600 GIs registered at home.<sup>30</sup> Indian manufacturers have challenges because they have to successfully adhere to two different systems due to each jurisdiction's own application procedure, examination standards, and opposition regulations.

TRIPS establishes the global framework for GI protection, but national governments are free to decide how to apply it.<sup>31</sup> Although both India and the EU require substantial evidence of historical and geographic connection, their procedures are different in structure and emphasis. For Indian producers, this legal diversity raises costs and uncertainty by making cross-border recognition more difficult. Stronger preparation of evidence and international cooperation like bilateral GI agreements to match procedural norms within TRIPS's broad framework

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<sup>27</sup> Spanish Ministry of Agriculture, *Royal Decree No. 1335/2011 on Denominations of Origin and Geographical Indications for Agricultural Products and Foodstuffs*.

<sup>28</sup> WTO, *Dispute Settlement Case Study: Darjeeling Tea and the Protection of GIs*

<sup>29</sup> Asia IP Law, "Basmati GI Dispute in the EU: Nepal's Opposition and Evidence Challenges," 2020

<sup>30</sup> European IP Helpdesk, "Geographical Indications in the EU and India: Comparative Overview," European Commission Publication, 2022.

<sup>31</sup> *Understanding Geographical Indications*, WIPO Report, 2019.

would be necessary to provide easier protection.

### **Evidentiary formats vs. Open-ended standards**

The way a jurisdiction structures its evidentiary and procedural requirements has a major influence on how efficiently Geographical Indication (GI) applications are processed and how disputes are resolved. Some countries rely on highly prescriptive formats, fixed templates, and mandatory specification structures, while others follow more flexible, open-ended standards. This difference shapes registration outcomes, opposition results, legal certainty, and the eventual international recognition of GIs, including those from India. Understanding this contrast is crucial because it directly affects settlement rates, speeds of registration, and the likelihood that Indian GIs will be accepted abroad.

Countries that adopt defined specification formats, such as the European Union, typically require detailed, standardized documentation. The EU model, through Regulation 1151/2012,<sup>32</sup> mandates a strict product specification that includes the name, description, geographical boundaries, production method, quality, origin link, and inspection structure. Applications must follow a uniform structure, be supported by historical and scientific evidence, and undergo multiple layers of scrutiny at the national and EU Commission levels.<sup>33</sup> The advantage of this model is predictability. Producer groups know exactly what kind of evidence is required, how it must be formatted, and what standards the examining authority will apply. This clarity results in higher-quality applications and comparatively smoother settlement of disputes because the focus is on whether the applicant meets the fixed legal criteria. The high number of successful registrations in Europe is often attributed to these clear procedural rules.

In contrast, jurisdictions with open-ended evidentiary standards such as India or Japan, provide broader discretion to the examiner. The Indian GI Act specifies general requirements like product description, proof of origin, uniqueness, and production method but it does not prescribe a strict template or scientific format for evidence.<sup>34</sup> Oral traditions, community statements, local records, and region-specific narratives are accepted as supporting documentation. While this flexibility benefits small producer groups and reflects the cultural richness of Indian GIs, it creates unpredictability during examination. Examiners may interpret

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<sup>32</sup> EU Regulation (EU) No. 1151/2012, Product Specification Requirements.

<sup>33</sup> European Commission, "GI Application Procedure and Scrutiny Stages."

<sup>34</sup> Geographical Indications of Goods (Registration and Protection) Act 1999, s. 11(2).

evidentiary sufficiency differently and applicants must respond to objections repeatedly that leads to dragging of disputes due to differing evidences of what counts as adequate proof.<sup>35</sup> This open-endedness often results in slower settlement rates and longer examination cycles compared to jurisdictions that rely on structured formats.

The impact of these contrasting formats becomes clearer when applied to cross-border GI recognition. Indian GIs that are easily approved domestically may struggle abroad because evidence considered adequate in India may not meet the more prescriptive standards of jurisdictions such as the EU or the UK. For example, Darjeeling Tea required extensive rewriting of its product specification to align with EU demands, including detailed historical documents, traceability methods, and chemical profile data, far beyond what Indian law requires.<sup>36</sup> Similarly, Indian handicraft GIs such as Pochampally Ikat and Kanchipuram Silk depend heavily on oral history and artisan knowledge forms of evidence that European examiners often treat as insufficient unless accompanied by certified documentation.<sup>37</sup> As a result, GIs rooted in traditional practices may experience delays or rejections abroad not because of lack of authenticity, but due to mismatches in evidentiary formats.

Jurisdictions with open-ended standards also face challenges in dispute resolution. Opposition proceedings become more complex because opponents may challenge the sufficiency of evidence, rather than purely the legal elements of the GI. In contrast, when strict templates exist, disputes focus on clearer questions such as whether the evidence matches the required criteria, whether the geographical link is strong enough, or whether trademarks conflict with the GI. This structural clarity often leads to quicker settlements and less ambiguity in decisions.<sup>38</sup>

The EU maintains one of the highest approval rates for GI applications globally, with structured formats that guide both applicants and national authorities. India, despite having over 600 registered GIs, has far fewer successful foreign registrations due in large part to differences in application formats and evidentiary expectations. Producer groups frequently struggle to adapt their Indian submissions into the more prescriptive formats used abroad, leading to repeated revisions, oppositions, and delays.

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<sup>35</sup> WTO Secretariat, *GI Examination Practices in Developing Countries*.

<sup>36</sup> Tea Board of India, Darjeeling Tea GI Application (EU Dossier).

<sup>37</sup> IP India Registry, "Statement of Case Requirements for Handicraft GIs."

<sup>38</sup> European Commission, "Dispute Resolution in GI Examination."

The comparison reveals that TRIPS plays a limited role in explaining these differences. TRIPS only sets broad obligations and does not define how evidence must be presented. Domestic legislation and administrative choices such as whether to adopt a strict specification template or a flexible, narrative-based evidentiary model are what truly shape GI settlement and registration outcomes.<sup>39</sup>

Jurisdictions with structured evidentiary formats tend to have higher settlement rates, clearer procedures, and more predictable outcomes, while jurisdictions with open-ended standards offer flexibility but face slower processing and greater uncertainty. For Indian GIs seeking global recognition, this means adapting to prescriptive foreign formats is essential. Encouraging better documentation, technical support for producer groups, and bilateral harmonization agreements would help bridge these differences and improve international outcomes.

## Conclusion & Suggestions

**The hypothesis of this research is conclusively proved that rather than TRIPS obligations, domestic legislative and administrative decisions have a greater influence on evidentiary variance among GI registries.**

This study shows that although the TRIPS Agreement defines the global framework for protection of Geographical Indication (GI), it does not specify the actual procedural and evidentiary requirements that state GI registers adhere to. TRIPS gives member states considerable flexibility in creating their own registration systems and thus establishes very minimum requirements. Therefore, treaty agreements alone cannot account for the wide differences in paperwork requirements, examination procedures, opposition channels, and enforcement policies across states. Rather, these variations are the result of each nation's internal legislative and administrative policy decisions.

The comparative analysis of the Indian and European Union GI frameworks clearly demonstrates that domestic legal design is the primary factor shaping the efficiency, predictability, and international success of GI protection. The European Union's structured, prescriptive, and technical evidentiary model ensures greater legal clarity, higher approval rates, and stronger international recognition. On the other hand, India's adaptable and

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<sup>39</sup> TRIPS Agreement 1994, Articles 22–24.

community-based system increases accessibility for traditional producer groups, but it also leads to less enforceability in other jurisdictions and procedural uncertainty. The difficulties faced by Indian GIs in obtaining overseas protection arise mainly from evidentiary incompatibility and procedural mismatches, rather than from any deficiency in the authenticity of the products themselves. These differences lower the efficiency of cross-border GI enforcement, raise compliance expenses, and slow down registration procedures. Therefore, increasing the international protection of Indian GIs requires strengthening documentary standards, creating institutional support, and encouraging international harmonization.

### **Suggestions**

- India should introduce a partially standardized GI product specification format similar to the EU model, while still allowing traditional and oral evidence. This will reduce uncertainty and make Indian GI applications easier to adapt for foreign registration.
- Government agencies should help producer groups generate certified historical records, soil and climate studies, quality reports, and traceability data. Many genuine Indian GIs fail abroad due to weak technical documentation, not lack of authenticity.
- India should negotiate Mutual Recognition Agreements with major trading partners like the EU, UK, Japan, and ASEAN countries so that Indian GI documentation is accepted without repeated verification.
- A specialized unit under the GI Registry or Ministry of Commerce should guide producers in preparing foreign applications, managing oppositions, and aligning Indian evidence with foreign formats.
- Regular training programs should be conducted for GI holders on documentation standards, international compliance, branding, export rules, and enforcement mechanisms.
- Stronger customs checks, digital platform monitoring, and overseas enforcement coordination are essential to prevent misuse and increase the global credibility of Indian GIs.
- A centralized digital database of verified maps, specifications, inspection reports, and

historical data will improve transparency and support foreign registrations and litigation.