
THE ROADBLOCK TO RECOGNITION: EXAMINING THE ACCESSIBILITY AND EFFECTIVENESS OF INDIA'S GI REGISTRATION REGIME

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ABSTRACT

Geographical Indications (GIs) have emerged as one of the crucial Intellectual Property Rights and attracted the concerns of the various developing as well as developed nations. The legal protection for Geographical Indicators, has a rich history dating back to the late 19th century, with significant milestones including the Lisbon Agreement (1958). However, the current mandatory, comprehensive, and global framework for GI protection was established only through the TRIPS Agreement of the WTO in 1994. This global commitment led directly to the enactment of the Geographical Indications of Goods (Registration & Protection) Act, 1999, and the subsequent GI Rules. The paper aims to highlight the major issues crippling the existing Indian GI system and the possible ways to bridge the gap between the legal framework and its practical application so that there is strong protection for GI in India. In order to achieve this aim, the paper analyses the GI legislations of countries having strict GI protections and gives recommendations as to how these legislations can be incorporated in India's GI legislation so that India's GI revolutions shall be bound to have significant reflections in the overall growth of the economy, cultures, industries, tourism and so many other areas as well.

Keywords: TRIPS Agreement, GI Act 1999, GI Rules 2002, registration procedure, effectiveness, accessibility.

I. BACKGROUND OF GIs:

The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) defines Geographical indications (GIs) as “indications which identify a good as originating in the territory or a region or a locality in that territory, where a given quality, reputation or other characteristic of the good is attributable to its geographical origin¹”. The WIPO has described a GI as “distinctive signs used on goods to differentiate competing goods from a specific geographical origin and which possesses qualities associated with that origin²”. GIs retain characteristics such as taste, smell or texture attributable to this area or origin may be allotted to the soil, climate or traditional knowledge within that area attracts consumers to the product. The goods themselves begin to develop a reputation, as does the geographical name associated with them. Examples of some well-known GIs include: Champagne, Prosciutto ham, Basmati rice, Camembert cheese, Darjeeling Tea, Kancheepuram Silk Sarees etc.

The rationale of GIs is two-fold³. Firstly, it is vital to preserve local produce and ensure that the producers thereof are fairly compensated. Secondly, GIs and their correct usage on products, protects consumers from confusion associated with the origin of the goods and the subsequent quality thereof. GIs are generally collectively owned by producers within the same geographical area. This means that the protection of a geographical name usually becomes a collective action. Traditionally, GIs have been protected as a form of IP.

The legal protection for GIs has a rich history dating back to the late 19th century. However, the current mandatory, comprehensive, and global framework for GI protection was established only through the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) in 1994. This international mandate served as the primary catalyst for India's domestic legislative action.

In response to this global commitment, the Geographical Indications of Goods (Registration & Protection) Act, 1999, and the subsequent Rules of 2002 were enacted. The objective of this legislation was clear: to fulfill India's international obligations while providing a statutory

¹ 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, available at: https://www.wto.org/english/docs_e/legal_e/27-trips.pdf (last visited on Nov. 21, 2025).

² World Intellectual Property Organization, “Geographical Indications,” available at: https://www.wipo.int/geo_indications/en/ (last visited on Nov. 21, 2025).

³ Lakshmikumaran & Sridharan, “Trends in GI Sector: An Analysis,” available at: <https://www.lakshmisri.com/insights/articles/trends-in-gi-sector-an-analysis/> (last visited on Nov. 21, 2025).

framework for the registration and enhanced protection of domestic GIs. After over two decades of implementation, this paper analyses whether the GI Act has, in fact, fulfilled its stated objectives.

Through a systematic analysis of empirical data and specific case studies, this paper demonstrates that the GI Act has failed to fully realize its goals, primarily due to procedural ineffectiveness and systemic challenges in enforcement. The remainder of this article will explore specific ways through which the current regime can be rectified to provide stronger, more accessible protection to GI producers.

This paper argues that while the Act provides a robust legal framework, its practical application is hampered by administrative inefficiencies and a lack of awareness, leading to a disconnect between statutory protection and ground-level enforcement. It analyses empirical data with respect to India's GI protection and compares the same with the data available from other countries⁴.

II. GI LEGISLATIONS IN INDIA

India enacted the Geographical Indications of Goods (Registration & Protection) Act in 1999 (hereon referred as the Act). The GI Act was followed by the Geographical Indications of Goods (Registration and Protection) Rules of 2002. The Intellectual Property office in Chennai is in charge of the GI Registry of India. The definition of GI in the Sec 2(e) of the Act⁵ states that 'Geographical Indication', in relation to goods, means an indication which identifies such goods as agricultural goods, natural goods or manufactured goods as originating, or manufactured in the territory of a country, or a region or locality in that territory, where a given quality, reputation or other characteristic of such goods is essentially attributable to its geographical origin and in case where such goods are manufactured goods one of the activities of either the production or of processing or preparation of the goods concerned takes place in such territory, region or locality, as the case may be.' Unlike other intellectual property rights, any association of persons, producers, organisation or authority established by or under the law can apply for registration of a GI. It provides exclusive rights to the community/ authorised

⁴ WIPO, World Intellectual Property Indicators 2024 – Highlights (2024), available at: <https://www.wipo.int/web-publications/world-intellectual-property-indicators-2024-highlights/en/> (last visited on Nov. 21, 2025).

⁵ *The Geographical Indications of Goods (Registration and Protection) Act, 1999*, available at: <https://www.indiacode.nic.in/bitstream/123456789/1981/5/A1999-48.pdf> (last visited on Nov. 21, 2025).

users for GI products and the GI is non-transferrable. GIs embody the collective reputation that consumers place on the association or group of producers. GI can be continued to be protected indefinitely by renewing its registration (after ten years).

A. REGISTRATION PROCEDURE UNDER THE ACT

For registering the geographical indicators, the indicators should fall within the purview of Sec 2(1) of the GI Act, 1999. The word "**indication**" means any name, picture, or a mix of both that makes you think about where a product comes from⁶.

Sec 9 of the GI Act, 1999 states the prohibition of registration of certain geographical indications⁷. Basically, a **GI** cannot be registered if:

- It's **misleading or confusing**. For example, you couldn't call a product "Swiss Chocolate" if it's made in India.
- It's **against the law**.
- It's **obscene or scandalous**.
- It **offends people's religious beliefs**.
- It's something a court wouldn't protect.
- It's a **generic name**. For instance, "Cheddar" cheese is a generic name now, even though it originally came from Cheddar, England. It's so common that it just describes a type of cheese, not where it's from. The law looks at things like whether the name is still used where the product originated and if people everywhere see it as a common name.
- It's technically true about the origin but **falsely suggests** the product came from somewhere else. An example might be if a product is made in a city called "Paris, Texas," but the packaging makes you think it's from Paris, France.

⁶ Altacit Global, "The Protection of Geographical Indication in India," available at: <https://www.altacit.com/resources/gi-geographical-indications/the-protection-of-geographical-indication-in-india/> (last visited on Nov. 21, 2025).

⁷ *The Geographical Indications of Goods (Registration and Protection) Act, 1999*, s.9.

Sec 8 of the GI Act, 1999 provides the rules for registration of a GI⁸.

- A GI has to be registered for **specific goods** and a **specific place**
- The government's Registrar will organize these goods into classes based on an **international system**. This makes sure everyone uses the same categories.
- If you're not sure which category your product falls into, or which specific area it's from, the Registrar decides. Their decision is final.

The protection conferred by a Geographical Indication is inherently limited. Crucially, a GI registration cannot cover an entire country for any product. Instead, the indication must be directly tied to a specific product whose unique quality, reputation, or other characteristic is essentially attributable to a defined region or locality within that territory. This fundamental link between the product, its reputation, and its precise place of origin forms the basis of GI protection."

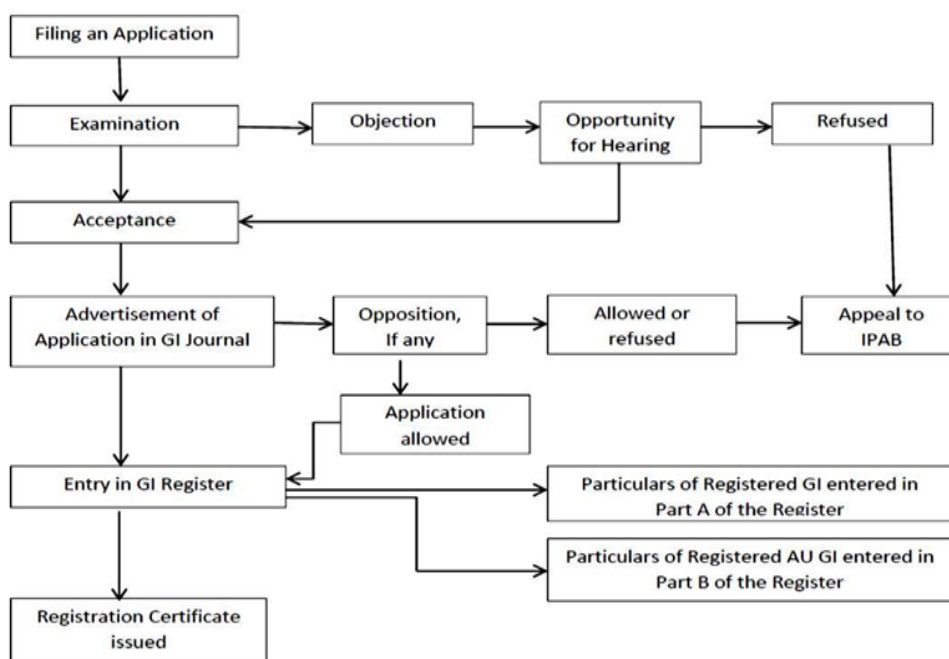


Figure 1. Flowchart of GI Registration in India (adopted from GI Journal)

Source: <https://ipindia.gov.in/the-registration-process-gi.htm>⁹

⁸ Id.

⁹ The Geographical Indications of Goods (Registration and Protection) Rules, 2002.

1. Application filing

Sec 11(1) of the GI Act, 1999 talks about who can apply for registration of a GI¹⁰. To simplify, let's break down who can apply for a Geographical Indication (GI) and what a "producer" means.

Who Can Apply?

Any group of people, producers, or an organization that represents the interests of the producers can apply to register a GI. They must submit a written application to the Registrar, along with the required forms and fees.

Who is a "Producer"?

The law defines a "**producer**" very broadly so it's not just the person who grows something¹¹. A producer is anyone who:

- **For farm goods:** Grows, processes, or packages the product. For example, a farmer who grows oranges and the company that packages them are both considered producers.
- **For natural goods:** Extracts or uses them from nature. This could be someone who quarries stone or taps rubber trees.
- **For handmade or industrial goods:** Makes or manufactures the items. This includes a weaver making a sari or a factory making a specific type of steel.

The definition also includes anyone who **trades or deals** with these goods. So, a merchant who sells a product can also be considered a producer under this law.

Rule 32(1) of the Geographical Indications of Goods (Registration and Protection) Rules, 2002¹² states the contents in an application for registering a GI along with such other particulars of the producers mentioned in Section 11(2)(f). The application needs to show:

¹⁰ *The Geographical Indications of Goods (Registration and Protection) Act, 1999*, s. 11; *The Geographical Indications of Goods (Registration and Protection) Rules, 2002*, r. 32(1).

¹¹ iPleaders, "Geographical Indications (GI) Tag in India: A Comprehensive Analysis," available at: <https://blog.ipleaders.in/geographical-indications-gi-tag-india/> (last visited on Nov. 21, 2025).

¹² *The Geographical Indications of Goods (Registration and Protection) Rules, 2002*, r. 32(1).

- The **Link to the Place**: You have to explain **exactly how** your product's special qualities (like its taste, look, or feel) come from the specific place where it's made.
- The **Map**: You need to provide a clear map of the area where the product is grown, made, or produced. This is crucial because it defines the territory for the GI.
- **Product Details**: You have to describe the product itself, including its name, and whether the GI is a word, a picture, or both. You also need to state what category of goods it falls under (like food, textiles, or crafts).
- **Proof of Producers**: You need to list the initial producers who will use the GI and state that your group represents all the producers. You also have to submit a signed affidavit that proves your authority to represent them.
- **Quality Standards**: You must outline the specific rules or standards that producers have to follow to make the product. This ensures the quality, reputation, and special characteristics of the product are maintained. For example, you would detail the specific way a certain cheese is aged or how a type of fabric is woven.
- **Inspection Plan**: You have to explain how you'll make sure everyone who uses the GI follows those rules and maintains the product's quality.

In short, the application needs to tell a complete story: what the product is, why it's special, where it comes from, who makes it, and how you will ensure its quality is protected.

2. Examination by the Registrar and the experts

The examiner scrutinizes the application for registration of GI to verify whether it satisfies the conditions of the GI Act and the rules. If any deficiencies are found in the examination, the same will be communicated to the applicant by the examiner. The applicant should correct the deficiencies within one month of the communication as per Rule 31 of Geographical Indications of Goods (Registration and Protection) Rules, 2002¹³. After the applicant corrects the deficiencies, the Registrar will constitute a consultative group of experts as per Rule 33 to

¹³ *Id.*

ascertain the correctness of the particulars furnished in the Statement of Case referred to in rule 32(1).

3. Objections (if any) in writing

If the registrar has any objection to the application, he shall file such objection in writing to the applicant as per Rule 34¹⁴. The applicant must reply within two months or apply for a hearing. The application shall be dismissed if the fails to either adhere to the time limit for communication or to apply for the hearing.

4. Publication in Geographical Indication Journal

As per Rule 38¹⁵, an application for the registration of a geographical indication will be admitted and published within three months of approval in the Geographical Indications Journal if no further objections are raised under Rule 34.

5. Opposition Notice

Any person who is opposing the G.I. application published in the journal can file a notice of opposition in triplicate on Form GI-2 within three months or within such further period not exceeding one month in the aggregate from the date when such Journal was made available to the public (which date shall be certified as such by the Registrar) as per Rule 40¹⁶. The Registrar will provide a copy of the notice to the applicant.

The applicant has to send a copy of the counter-statement within two months as per Rule 43¹⁷. A copy of the counter-statement shall be served by the Registrar on the person giving notice of opposition ordinarily within two months from the date of receipt of the same. Then both the parties will lead their respective evidence through affidavits and supporting documents as per Rule 44 and 45¹⁸.

6. Registration of application

If no opposition is filed within the specified time or the submission time is over, the Registrar

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

registers the Geographical Indicator in Part A of the Registrar as per Sec 7 of the GI Act, 1999¹⁹. When an application for GI has been accepted, the Registrar will register the Geographical Indication under Sec 16(1) of the GI Act, 1999²⁰.

The entry of a geographical indication in the register shall specify the date of filing of application, the actual date of the registration as per Rule 55²¹.

A certificate of registration will be issued by the Registrar with the seal of Geographical Indications Registry to each applicant and authorised user under Sec 16(2) of the GI Act, 1999²².

7. Renewal of Application

The registration of a geographical indication shall be for a period of ten years, but may be renewed from time to time in accordance with the provisions of Sec 18 of GI Act²³, 1999.

8. Appeal

Any person aggrieved by an order or decision may prefer an appeal to the intellectual property appellate board (IPAB) within three months.

III. IS THERE ADEQUATE PROTECTION FOR GIs IN INDIA?

1. HOW MANY GIs ARE REGISTERED IN INDIA?

As of July 2025, India has 658 registered GI-tagged products, with 23 new Geographical Indications added between April 2024 and March 2025. These tags protect products with distinct characteristics linked to their geographical origin, with Uttar Pradesh having the most registered GIs among Indian states²⁴.

¹⁹ The Geographical Indications of Goods (Registration and Protection) Act, 1999, s.7.

²⁰ *Id.*, s.16(1).

²¹ The Geographical Indications of Goods (Registration and Protection) Rules, 2002, r. 55.

²² The Geographical Indications of Goods (Registration and Protection) Act, 1999, s.16(2).

²³ *Id.*, s.18.

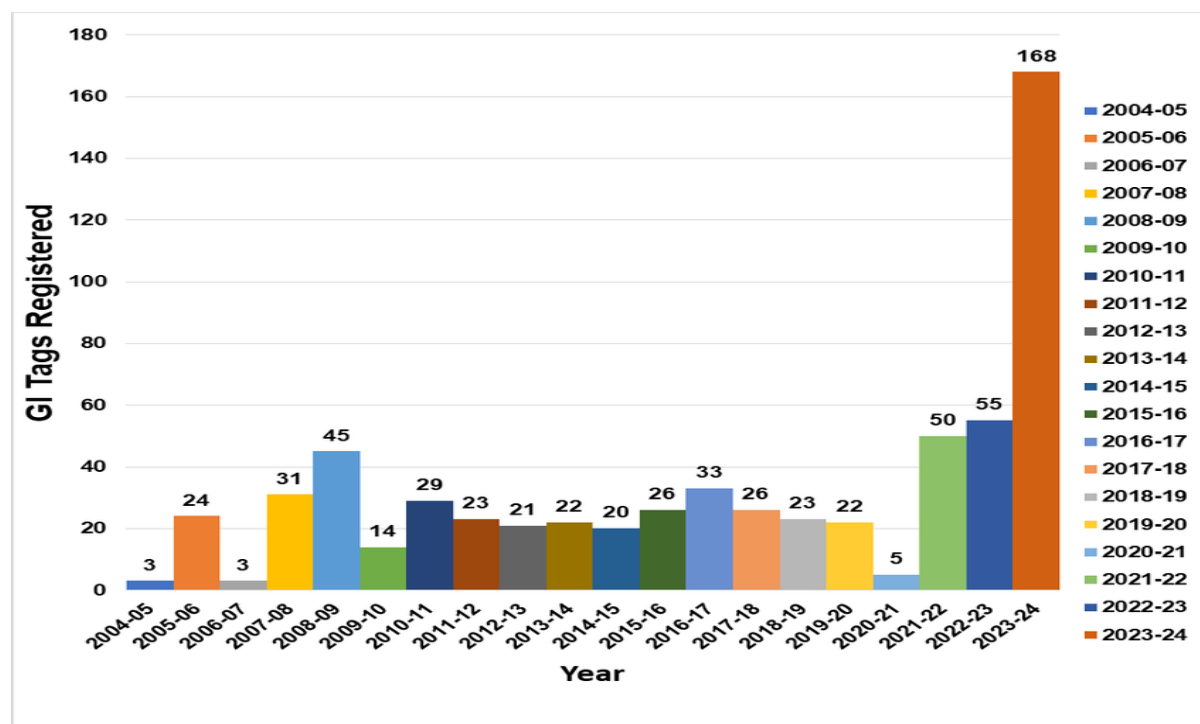
²⁴ Intellectual Property India, "Geographical Indications: Statistics," available at: <https://ipindia.gov.in/registered-gi.htm> (last visited on Nov. 21, 2025).

Year	Total GIs	Agriculture GIs	Share of agriculture GIs in total GIs (%)	Vegetables GIs	Vegetable GIs share in agricultural GIs (%)
2004-05	3	1	33		0
2005-06	24	2	8		0
2006-07	3	2	67		0
2007-08	31	11	35		0
2008-09	45	10	22	1	10
2009-10	14	5	36		0
2010-11	29	7	24	2	29
2011-12	23	4	17	1	25
2012-13	21	2	10		0
2013-14	22	4	18		0
2014-15	20	11	55	3	27
2015-16	26	9	35	1	11
2016-17	33	14	42	2	14
2017-18	26	7	27		0
2018-19	23	14	61		0
2019-20	22	8	36	2	25
2020-21	5	1	20		0
2021-22	50	16	32	5	31
2022-23	55	24	44	7	29
2023-24	168	48	29	8	17
Total	643	200	31	32	16

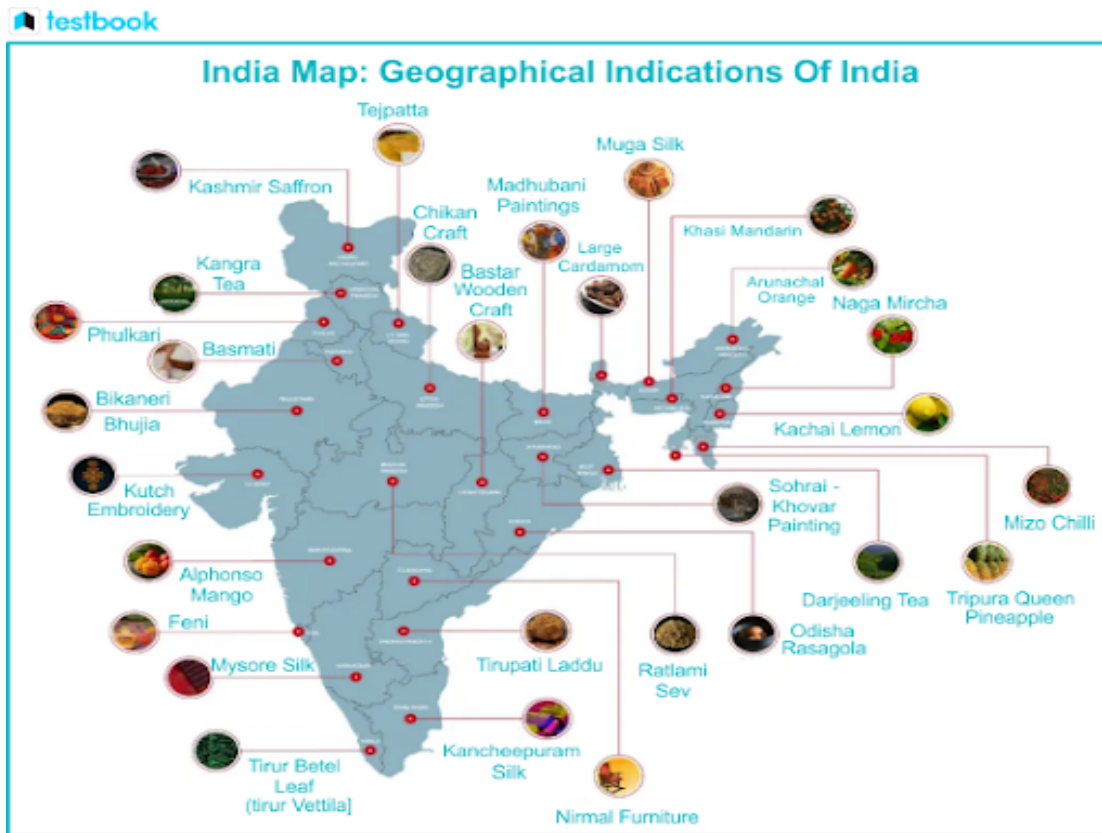
Status of GI registration in India during 2004-05 to 2023-24

Sector/category	Number of GIs	Share in total GIs(%)	Annual average (GIs/year)
Agriculture	200	31.10	10.00
Food stuff	47	7.31	2.35
Handicraft	343	53.34	17.15
Manufacturing	50	7.78	2.50
Natural Goods	3	0.47	0.15
Total GIs	643	100.00	32.15

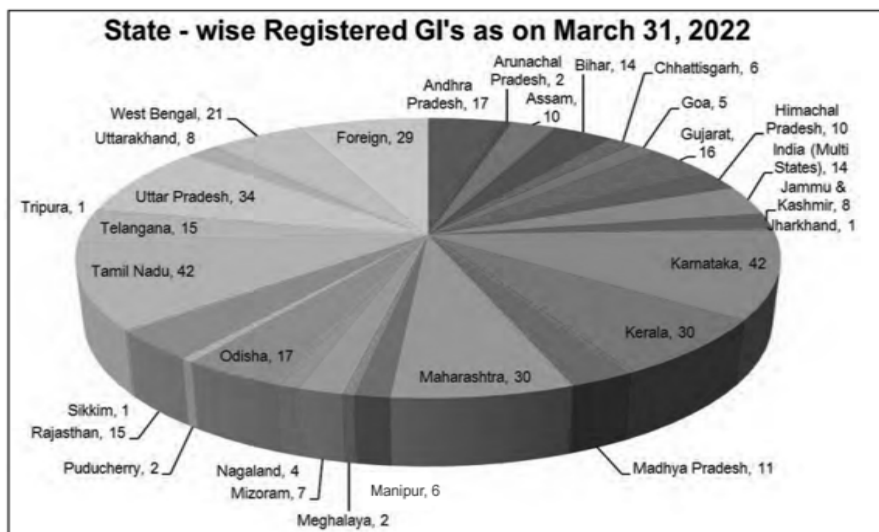
Trend of total GIs, Agricultural GIs and vegetable GIs registered



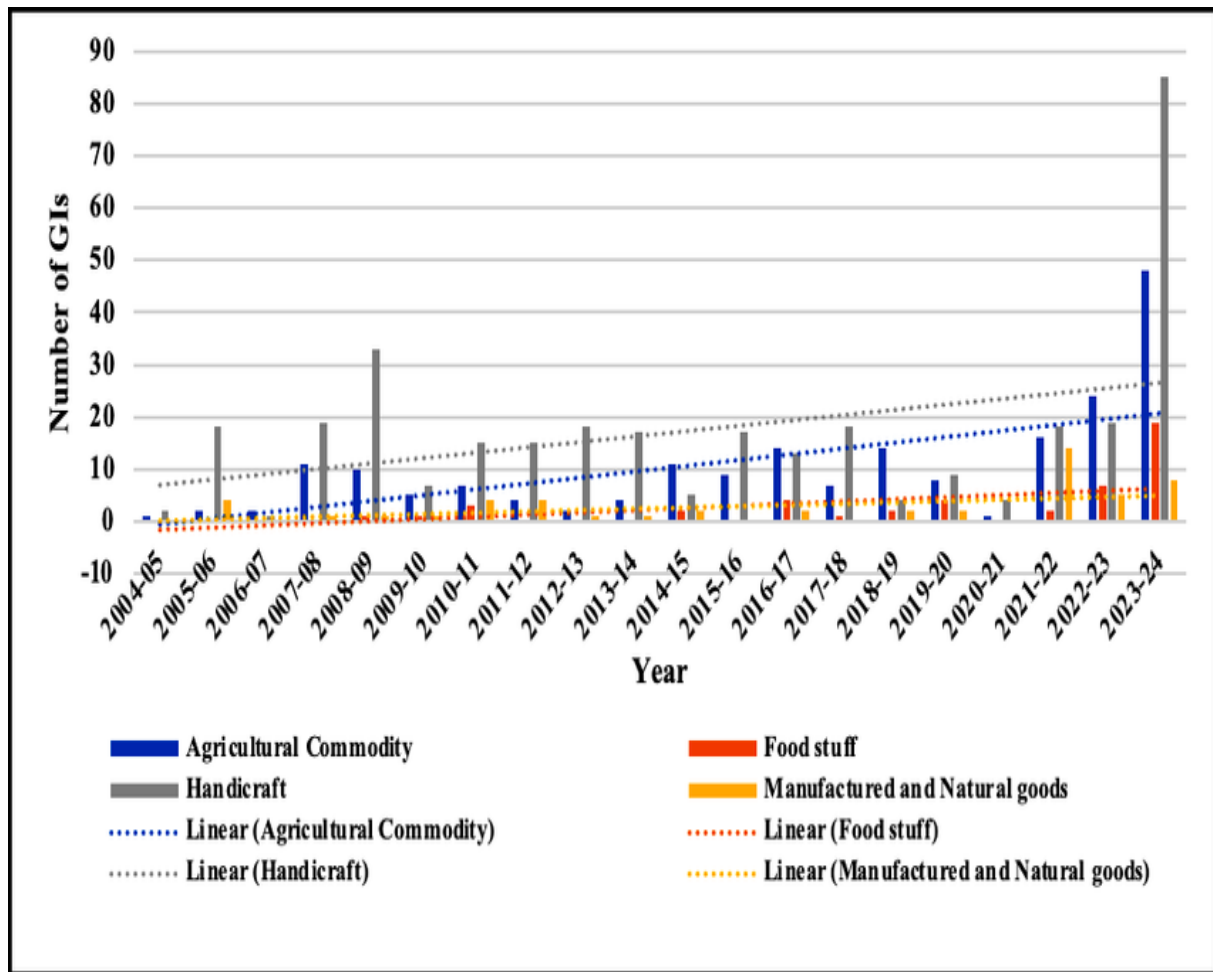
GI Tags registered in India since 2004 (Source: Registered GIs at <https://ipindia.gov.in/registered-gls.htm>)



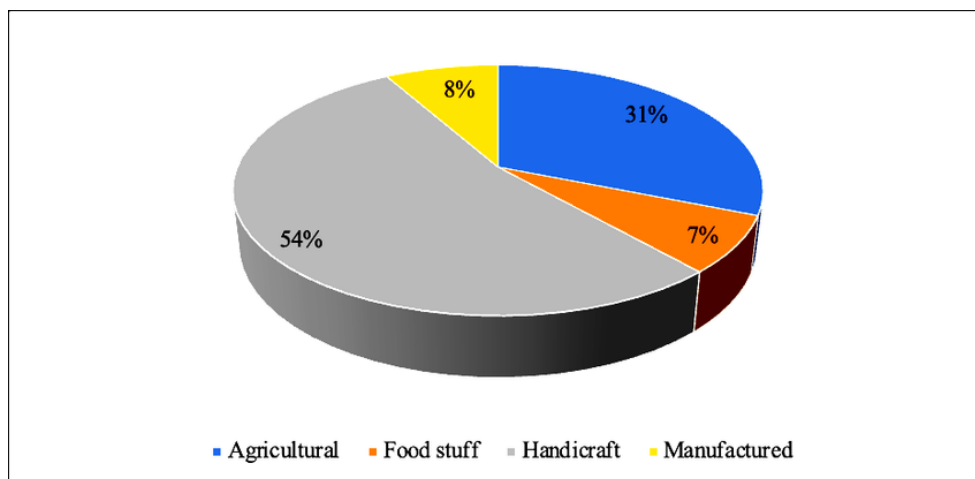
A map showing different GI products in India



State-wise registered GIs in India



Trend of Geographical Indication Product Categories in India during (2004-2024)



Composition of Geographical Indications by Product Category in India, 2024²⁵

²⁵ *Id.*

IV. THE MULTI-FACETED ROLE AND BENEFITS OF GI PROTECTION IN INDIA

In India, GIs play the pivotal role of preserving traditional knowledge, upholding creator's rights, providing legal protection, and preventing unauthorised usage. They stimulate demand for goods and services, exports, and tourism. They offer legal protection to traditional and cultural knowledge and practices.

1. Example: The Darjeeling Tea (Agricultural Role)



Darjeeling Tea is the world's most expensive and exotically flavoured tea. It is a very important part of India's cultural and collective intellectual heritage. The quality, reputation and characteristics of Darjeeling tea are essentially attributable to its geographical origin. It possesses a flavour and quality which sets it apart from other teas, giving it the stature of a fine vintage wine.

Darjeeling tea is administered by the Tea Board, India under the Tea Act, 1953. The Tea Board controls growing and exportation, protection and preservation of this treasured icon of India's cultural heritage as a geographical indication. For this purpose, the Tea Board have also registered a Darjeeling logo. Consequently, it was the Tea Board that was vested with the responsibility of acquiring 'protection' for Darjeeling Tea, in the form of 'Geographical Indication' under Intellectual Property Rights. In October 2004, Darjeeling Tea was granted GI status and it has held a place or pride as the first application to be registered in India as GI²⁶. This logo is protected by multiple acts. Darjeeling tea was the first product from India that was protected as a Geographical Indication in the European Union.

The legal protection afforded by the GI tag aims to create a market differentiation for

²⁶ IIPTA, "Darjeeling Tea: Indian Geographical Indication," available at: <https://iipta.com/darjeeling-tea-indian-geographical-indication/> (last visited on Nov. 21, 2025).

Darjeeling tea²⁷, thereby enhancing export performance and reinforcing consumer trust. The GI status provides legal recourse to prevent misuse of the name globally, which is intended to reduce market competition from spurious products and ensure the commercial benefits of the brand reach the concerned industry stakeholders, contributing to local economic growth²⁸.

2. Example: Kanchipuram Silk Sarees (Handicraft Role)



The town of Kanchipuram in Tamil Nadu, India, is not only renowned for its magnificent temples but also for its centuries-old tradition of weaving Kanchipuram sarees, a symbol of opulence and craftsmanship. Originally, Kanchipuram sarees were woven for the deities in the temples—an offering to the gods that gradually became a part of human attire. The sarees are distinguished by their use of pure mulberry silk threads sourced from South India, and their heavy gold thread (zari) work, which is integrated into the weave itself²⁹.

The Indian government has recognized the unique cultural and artistic value of Kanchipuram sarees by awarding them the Geographical Indication tag in 2005. This not only celebrates the saree's heritage but also protects its uniqueness and assures buyers of its authenticity³⁰. A Silk Mark label on a Kanchipuram saree is a certification from the Silk Mark Organisation of India (SMOI) that guarantees the saree is made from 100% pure natural silk. It protects consumers from purchasing counterfeit or inferior quality silk products. In an era of fast fashion, the meticulous craft of weaving a Kanchipuram saree is a reminder of the beauty and grace of slow fashion, making it not just a piece of fabric, but a woven narrative of

²⁷ SourceTrace, "Protecting GI: Darjeeling Tea," available at: <https://sourcetrace.com/blog/protecting-gi-darjeeling-tea/> (last visited on Nov. 21, 2025).

²⁸ World Intellectual Property Organization, *Darjeeling Tea – A Geographical Indication (GI)*, WIPO Publication (2011).

²⁹ Vasumatis, "GI Tag of Kanchipuram Sarees," available at: <https://vasumatis.com/blogs/stories/gi-tag-of-kanchipuram-sarees> (last visited on Nov. 21, 2025).

³⁰ The Saffron House, "The Legacy of Kanchipuram Sarees: From Ancient Weaves to Modern Elegance," available at: <https://thesaffronhouse.com/blogs/stories-from-the-cluster/the-legacy-of-kanchipuram-sarees-from-ancient-weaves-to-modern-elegance> (last visited on Nov. 21, 2025).

history, culture, and devotion.

Both these case studies prove that the object of geographical indicators is to promote and protect the history, heritage and culture of India along with ensuring legal protection to the craftsmen communities of India.

India's legal framework for Geographical Indications (GIs) is established under the Geographical Indications of Goods (Registration and Protection) Act, 1999, which was enacted in compliance with the WTO's TRIPS Agreement³¹. On paper, this legislation provides a comprehensive system for registration, protection, and enforcement of GI rights, but its practical implementation and enforcement face several significant challenges.

V. STRENGTHS OF THE LEGAL FRAMEWORK

Sui Generis Law: India has a dedicated law for GIs, which is a robust starting point. It's a "sui generis" (of its own kind) system, meaning it doesn't rely on existing laws like trademarks alone³². This allows for specific rules tailored to the collective and communal nature of GI rights.

Registration and Rights: The Act establishes a clear registration process³³. Once a GI is registered, it provides legal protection against unauthorized use and infringement. The law grants the registered proprietor and authorized users the right to file civil and criminal proceedings³⁴.

Legal Remedies: The Act provides for both civil and criminal remedies against infringement. Civil remedies include injunctions to stop the misuse, damages, and an account of profits. Criminal penalties, such as fines and imprisonment, are also provided for in the Act³⁵.

Perpetual Protection: The protection for a GI is granted for a period of 10 years and can be renewed indefinitely, as long as the product-place link is maintained³⁶. This ensures long-term

³¹ The Geographical Indications of Goods (Registration and Protection) Act, 1999.

³² iPleaders, "What is Geographical Indication or GI," available at: <https://blog.ipleaders.in/geographical-indication-gi/> (last visited on Nov. 21, 2025).

³³ The Geographical Indications of Goods (Registration and Protection) Act, 1999.

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

preservation of the unique product and its heritage.

Prohibition of Misleading Use: The law prohibits the use of any indication that would mislead the public about a product's geographical origin, thereby protecting both producers and consumers from deception³⁷.

VI. CHALLENGES IN REGISTERING A GI IN INDIA

Although GI plays a pivotal role of preserving traditional knowledge, upholding creator's rights yet there are many challenges faced by the producers while registering a GI in India. These challenges can be divided into three categories:

1. *Administrative Challenges:*

Complex and Lengthy Process: The requirement for detailed documentation, including historical evidence, a statement of the case for the GI, and certified geographical maps, can be difficult for small producer groups to compile without professional help³⁸. The application processing time can also be very long, sometimes taking up to five years.

Inadequate Post-Registration Support: There is often a lack of institutional and financial support for marketing and promotion after a GI is registered. This leads to limited market reach, both domestically and internationally, and can prevent producers from fully capitalizing on the premium valuation that a GI tag should provide³⁹.

Lack of Legal Enforcement: While the GI Act provides legal protection against infringement, enforcement is weak. Counterfeiting and the misuse of GI-tagged product names and logos are common, especially on online platforms, making it difficult for genuine producers to protect their rights and reputation⁴⁰.

Ambiguity in Legal Definitions: The Act has been criticized for having ambiguities. The definition of a "producer" is not always clear, leading to intermediaries and traders, rather than

³⁷ *Id.*

³⁸ Journal of Intellectual Property Rights, "GI Rights, Challenges and Remedies," available at: <https://publications.niscprindia.org/index.php/jipr/article/view/1000000000490> (last visited on Nov. 21, 2025).

³⁹ TIFAC, "Economic Analysis of GI in India," available at: <https://www.tidd.tifac.org.in/content/economic-analysis-geographical-indications-gis-india> (last visited on Nov. 21, 2025).

⁴⁰ Legal Service India E-Journal, "Enforcement Issues in GI Protection," available at: <https://www.legalserviceindia.com/legal/article-431-enforcement-issues-in-geographical-indications-gi-protection.html> (last visited on Nov. 21, 2025).

the actual artisans and farmers, being the ones to file for registration and capture the majority of the economic benefits⁴¹.

Weak Enforcement and Counterfeiting: Despite legal provisions for penalties and imprisonment, the enforcement of GI rights is weak, especially in the digital marketplace. Counterfeiting and the sale of spurious products are rampant on e-commerce platforms, which makes it difficult for genuine producers to protect their brand and reputation. The **lack of specialized tribunals** for GI disputes further slows down the legal redressal process⁴².

2. Economic Challenges:

- **Financial and Technical Barriers:** The costs associated with the registration process, including legal fees and other administrative charges, can be prohibitive for many small-scale producers who lack the financial resources. Furthermore, producers may not have the technical expertise to meet the quality control and standardization requirements often needed for a successful GI application and post-registration maintenance⁴³.

3. Social Challenges:

Lack of Quality Control Mechanisms: There is often no mandatory, robust system for post-production quality control and inspection. This means that after a GI is registered, there's no guarantee that every product with that tag meets the required standards. This variability in quality can erode consumer trust and harm the reputation of the GI⁴⁴.

Disparity in GI Registrations Across States: There is a significant imbalance in the number of GI registrations across different Indian states. While states like Karnataka, Tamil Nadu, and Kerala have numerous GI products, others have very few or none at all. This highlights a disparity in institutional support and awareness at the state level⁴⁵.

⁴¹ *Id.*

⁴² Mondaq, "Protecting GIs in the Digital Age: India's Challenge," available at: <https://www.mondaq.com/india/privacy-data-protection/1400810/protecting-geographical-indications-in-the-digital-age> (last visited on Nov. 21, 2025).

⁴³ Lexforti Legal Journal, "Economic Viability and Challenges of GI Protection in India," available at: <https://lexforti.com/legal-news/economic-viability-and-challenges-of-geographical-indications-in-india/> (last visited on Nov. 21, 2025).

⁴⁴ TIFAC, *supra* note 39.

⁴⁵ Intellectual Property India, *supra* note 24

Government Ownership vs. Community Ownership: A notable portion of the GI registrations in India are held by government departments or agencies, rather than by producer communities. This raises concerns about who truly owns and benefits from the GI, as it can lead to a top-down approach that may not always align with the interests of the local artisans and farmers⁴⁶.

VII. OFFENCES, LEGAL REMEDIES AND PENALTIES UNDER THE GI ACT

Chapter VIII of the GI Act, 1999 describes specific acts as offences which are punishable by a confine, or fine, or both⁴⁷.

Sec 38 of the GI, Act deals with falsifying and falsely applying geographical indications⁴⁸.

Sec 39 deals with the penalty for applying false geographical indications for which the offender shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to three years and with fine which shall not be less than fifty thousand rupees but which may extend to two lakh rupees⁴⁹.

Sec 40 deals with the penalty for selling goods to which false geographical indication is applied for which the offender shall be punished with imprisonment for a term which shall not be less than six months but which may extend to three years and with fine which shall not be less than fifty thousand rupees but which may extend to two lakh rupees⁵⁰.

Sec 41 deals with enhanced penalty on second or subsequent conviction under section 39 or section 40 and states that the offender shall be punishable for the second and for every subsequent offence, with imprisonment for a term which shall not be less than one year but which may extend to three years and with fine which shall not be less than one lakh rupees but which may extend to two lakh rupees⁵¹.

⁴⁶ Journal of Intellectual Property Law, "Social Impact and Ownership of GI in India," available at: <https://journals.law.lawbooks.co.in/social-impact-and-ownership-of-geographical-indications-in-india/> (last visited on Nov. 21, 2025).

⁴⁷ Geographical Indications of Goods (Registration and Protection) Act, 1999, <https://www.indiacode.nic.in/bitstream/123456789/1981/5/A1999-48.pdf> (21 November 2025).

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *Id.*

Sec 49 deals with offences by companies⁵².

After describing the offences and penalties in the provisions of the act, we will be analysing the practical application of the Chapter VIII of the Act.

In *Comité Interprofessionnel du Vin de Champagne v. M/s. Chinar Agro Fruit Products*⁵³ A French committee which was responsible for protecting "Champagne" wine, a well-known GI, sued an Indian company for selling a non-alcoholic sparkling apple cider under the name "Champagne." The Indian company had used a similar bottle shape and a similar label, causing confusion. The Delhi High Court issued a permanent injunction, preventing the defendant from using the name "Champagne" on any of its products. The court recognized the well-known reputation of the GI and held that its unauthorized use on a similar product was a clear case of infringement and passing off. This case is a prime example of a successful prosecution, showcasing that GIs for international products are enforceable in India.

In *Tea Board of India v. ITC Limited*⁵⁴, The **Tea Board of India**, the registered proprietor of the "Darjeeling" GI, filed a lawsuit against ITC Limited, a hospitality company, for using the name "Darjeeling Lounge" for its hotel lounge. The Tea Board argued that this usage constituted an infringement and could mislead consumers into believing that the lounge was officially endorsed or associated with Darjeeling tea. The court ruled in favour of ITC and dismissed the Tea Board's claim. The court held that the **GI Act, 1999**, is strictly limited to the protection of "goods." Since ITC's "Darjeeling Lounge" was a service (hospitality), not a good, it did not fall under the purview of the GI Act. The court reasoned that a consumer of a luxury hotel lounge would not be confused into thinking that the lounge or its services were associated with Darjeeling tea. The judgment clarified that while a GI provides exclusive rights for a name in relation to a specific product, it does not give the proprietor a monopoly over that word in every possible context. This case is a landmark example of a failed GI prosecution. It sets a crucial precedent by defining the limited and specific scope of GI protection in India, ensuring that it is not misused to claim a monopoly over a geographical name outside of its intended purpose. It also highlights a significant challenge for GI holders: their rights are "goods-specific" and do not automatically extend to services, even if the name is identical.

⁵² *Id.*

⁵³ *Comite Interprofessionnel du Vin de Champagne v. M/s. Chinar Agro Fruit Products*, 2017 SCC OnLine Del 7609.

⁵⁴ *Tea Board of India v. ITC Limited*, (2011) 2 SCC 1.

VIII. WHY ARE THERE A SMALLER NUMBER OF GIs REGISTERED IN INDIA?

India has a lower number of GI registrations compared to other nations with a similar potential for unique products, such as Germany and China. This disparity is due to a combination of legal, administrative, and socioeconomic challenges.

- **Complex and Time-Consuming Process:** The GI application and registration process in India can take a long time, sometimes up to five years. The single GI registry office, located in Chennai, adds a geographical hurdle for applicants from other parts of the country, despite the availability of an online portal⁵⁵.
- **Ambiguous Definition of "Producers":** The current GI Act lacks a clear and robust definition of "producers," which can lead to intermediaries and non-genuine producers benefiting from the GI tag rather than the actual artisans or farmers⁵⁶.
- **Lack of Post-Registration Support:** Simply obtaining a GI tag is not enough to ensure a product's success. Many producers struggle to leverage the tag for economic benefit due to a lack of support in marketing, branding, and quality control. This can leave the GI tag as a mere symbol without tangible commercial value⁵⁷.
- **Weak Enforcement and Misuse:** There is a persistent challenge in preventing the misuse and counterfeiting of GI-tagged products. Ineffective enforcement mechanisms, both domestically and internationally, allow unauthorized sellers to free-ride on the reputation of the original product, which diminishes its value and harms the genuine producers⁵⁸.
- **Benefit Distribution:** Even when GI products succeed, the economic benefits often do not trickle down to the grassroots producers. A large share of the profits is frequently captured by middlemen and traders, undermining the core purpose of GIs, which is to empower local communities and promote rural development⁵⁹.

⁵⁵ Journal of Intellectual Property Rights, *supra* note 38.

⁵⁶ Legal Service India E-Journal, *supra* note 40.

⁵⁷ TIFAC, *supra* note 39.

⁵⁸ Economic Times, "Major Challenges in GI Protection and Enforcement," available at: <https://economictimes.indiatimes.com/news/economy/policy/major-challenges-in-gi-protection-and-enforcement/articleshow/89876543.cms> (last visited on Nov. 21, 2025)

⁵⁹ Journal of Intellectual Property Law, *supra* note 46.

- Disparity in Registrations: There is a significant regional imbalance in GI registrations, with a concentration of tags in southern states like Karnataka and Tamil Nadu, while other states with rich traditions of unique products lag behind. This highlights a need for more widespread and targeted outreach efforts⁶⁰.
- Digital Piracy: The rise of e-commerce has made GI infringement even more challenging to combat. Counterfeit GI products are easily sold on online platforms, and the current laws are not fully equipped to address the specific challenges of online piracy and the accountability of e-commerce platforms⁶¹.

*In Basmati Rice International dispute*⁶², a US company Rice Tec tried to trademark the name "Basmati" and even got a patent for a rice they called "Basmati." This was a huge problem because it meant they could sell their rice using a name that belonged to the farmers in India and Pakistan. India and Pakistan fought this, arguing that "Basmati" isn't just a name—it's tied to a specific area and heritage. The US company had to give up its broad patent, and later, the European Union recognized that the name "Basmati" belongs to both India and Pakistan. This was a win for GI protection globally. In 2016, the European Union (EU) officially granted the GI status for Basmati rice to India and Pakistan, protecting the name from misuse by foreign companies.

In the *Tirupati Devasthanams (TTD) v. Unauthorised Vendors*⁶³, the Tirupati Laddu, the famous sweet from the Tirupati temple, has a GI tag to protect it. But just like with Basmati rice, this protection isn't a guarantee against misuse. The GI tag was meant to ensure that only the temple's official sweet could be called a "Tirupati Laddu." This was to protect its quality, ingredients, and religious importance. However, many unauthorized sellers—both on the streets and online—started selling fake "Tirupati Laddus." These fakes often used cheap ingredients and weren't made in a clean way. This not only cheated devotees but also damaged the reputation and sanctity of the original laddu. The temple authorities (TTD) had to constantly fight back. They sent out legal warnings and took action against these sellers. This shows that

⁶⁰ Intellectual Property India, *supra* note 24.

⁶¹ Mondaq, *supra* note 42.

⁶² AEON Law, "India and Pakistan Dispute Right to Claim Basmati Rice in EU," available at: <https://aeonlaw.com/india-and-pakistan-dispute-right-to-claim-basmati-rice-in-eu/> (last visited on Nov. 21, 2025)

⁶³ Commonwealth Legal Information Institute, "From Laddu to GI and After: A Post-Grant Analysis of the Tirupati Laddu Registration," available at: <http://www.commonlii.org/in/journals/INJIPLaw/2010/4.pdf> (last visited on Nov. 21, 2025).

just getting a GI tag isn't enough. You have to keep a close eye on the market and actively enforce your rights.

These cases demonstrate that registration alone does not guarantee protection and that constant vigilance and effective legal action are required.

IX. COUNTRIES MORE EFFECTIVELY PROTECTING THEIR GI THAN INDIA

Based on current analyses, countries like the EU member states, Switzerland, and China demonstrate a more effective and economically impactful system of geographical indication (GI) protection compared to India. Their superiority stems from several key factors, including their long history and mature legal frameworks, higher levels of awareness, robust enforcement mechanisms, and strong international positioning⁶⁴.

1. European Union (EU)

The EU is a leading force in GI protection, with its system covering all 27 member states. The system uses a combination of protected designations of origin (PDO) and protected geographical indications (PGI) to provide strong, automatic legal safeguards for registered products across all member states⁶⁵. Countries like France, Italy, and Spain, all EU members, have some of the highest numbers of GI products and a long history of protecting regional foods and beverages⁶⁶. The EU's multi-sectoral regulations for PDOs and PGIs are highly evolved, unlike India's single, two-decade-old GI Act that requires timely amendment. This creates a robust and uniform legal framework across all member states. EU consumers have a high level of awareness and respect for GI tags, enabling protected products to command a significant price premium. One study showed that GI-tagged EU products have double the sales value of similar products without the certification. This effectively boosts rural economies and producer profits. The EU actively leverages bilateral trade agreements to improve GI protection abroad, enforcing administrative actions and border measures to prevent misuse. Indian producers often struggle with international disputes, as seen in the Basmati rice case, due to a lack of similar diplomatic weight. The EU provides robust frameworks for producer groups to manage, enforce, and develop their GIs, strengthening their position in the value chain. In India,

⁶⁴ Agreement on Trade-Related Aspects of Intellectual Property Rights, *supra* note 1, art. 22.

⁶⁵ European Commission, "eAmbrosia: Union register of geographical indications," available at: <https://ec.europa.eu/geographical-indications-register/> (last visited on Nov. 21, 2025).

⁶⁶ Agreement on Trade-Related Aspects of Intellectual Property Rights, *supra* note 1, art. 23.

ambiguity in the definition of "producers" and poor organization leads to intermediaries capturing most economic benefits, leaving little for the original creators.

2. Switzerland

Switzerland has a high number of GIs in force relative to its size and is a top user of the World Intellectual Property Organization's (WIPO) Lisbon System, which provides international protection for appellations of origin and GIs⁶⁷. International agreements are a key part of Switzerland's strategy, with a large proportion of its GIs protected this way. As a high user of WIPO's Lisbon System, Switzerland allows producers to obtain a high level of protection in all member states through a single, simple, and cost-effective application. Indian producers, who are not part of such agreements, must apply individually in each country. Switzerland's system provides solid protection against the direct and indirect commercial use of GIs. This includes protection against imitations that use terms like "type," "kind," or "style" alongside the protected name. Switzerland prioritizes a balance between GIs and trademarks, allowing them to complement each other rather than conflict. This provides legal certainty for producers⁶⁸.

3. China

China leads the world in the sheer number of GIs in force within its territory, with 9,785 in 2023. The bulk of these protections are provided through a national trademark system, and national GIs make up the vast majority of those in force in China. An EU-China agreement also provides reciprocal protection for 200 GIs from both sides. Scale and economic output: China has the largest number of registered GIs in the world, with over 9,700 in 2023, and GI output value exceeding €82 billion in 2020. This scale provides vast opportunities for internal market growth. Strategic international agreements: China has used strategic agreements, like the one with the EU, to achieve mutual recognition of GIs. This provides immediate market access and protection in key foreign markets. Dedicated government focus: China's government actively promotes GI protection as a tool for economic development and has built strong institutional support through agencies like the CNIPA⁶⁹.

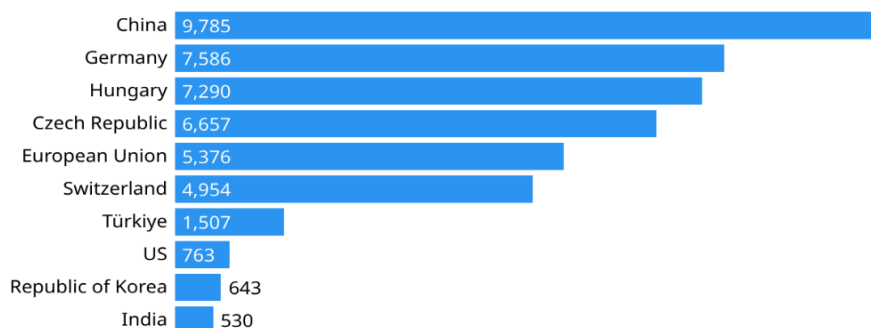
⁶⁷ World Intellectual Property Organization (WIPO), "Geographical Indications in Switzerland," available at: https://www.wipo.int/edocs/pubdocs/en/wipo_pub_1044_2024.pdf (last visited on Nov. 21, 2025).

⁶⁸ PwC Legal Review, "GI Protection in Switzerland: A Strategic Overview," available at: <https://www.pwc.ch/en/legal-services/gi-protection-in-switzerland.html> (last visited on Nov. 21, 2025).

⁶⁹ World Bank, "China Economic Update, December 2024: Reviving Demand, Regaining Momentum," available at: <https://openknowledge.worldbank.org/entities/publication/b5e2837c-3724-42c1-929e->

China had over 9,700 GIs in force in 2023, three-quarters of which were protected through the trademark system

5.1. Geographical indications in force for selected national and regional authorities, 2023



Source: World Intellectual Property Indicators 2024

Source: World Intellectual Property Indicators 2024⁷⁰

X. RECOMMENDATIONS & SOLUTIONS⁷¹

In the opinion of the author, these are some of the remedial measures that the Governments of the Centre and States as the case may be, should take to make the GI protection stronger in India:

1. Effectively consider the accession of India to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications, 2015 that has been in force since the early 2020s.
2. Procedural and other legal formalities for the registration of GIs should be made easy and less time-consuming. Over-reliance on documentary evidence to establish the 'geographical origins' of products or goods should be done away with. Reliance should be placed on the testimonies of the local populations of a geographical area or persons involved in the production of the products having great cultural, traditional or historical significance.
3. Collaboration with various NGOs or voluntary non-profit organisations to organize campaigns in various parts of the country, especially, in rural areas to conduct awareness

fcbe24454700 (last visited on Nov. 21, 2025).

⁷⁰ WIPO, *supra* note 4.

⁷¹ Souvik Roychoudhury, "Geographical Indications and Challenges in India: A Study," 4(3) *Jus Corpus Law Journal* 183 (2024), available at: <https://www.juscorpus.com/wp-content/uploads/2024/04/33.-Souvik-Roychoudhury.pdf> (last visited on Nov. 21, 2025)

programs about Intellectual Property Rights and more particularly about the concept of GIs, their protections and benefits.

4. Constitute a statutory authority by consulting the experts to oversee the compliance of the regulatory standards in the post-registration stage of the GI products to ensure the qualities or authenticities thereof. Schemes to provide adequate financial, technical, legal and other necessary support to the original producers of the GI products should be introduced so that the producers can focus on the marketing, brandings, promotions, sales and other strategies of those products in the national as well as international markets.

5. Encourage the original producers of the GI products to become the proprietors thereof so that the producers can reap the benefits of the GIs, grow their traditional industries, and ultimately contribute to the economic growth of the nation. The Government may also consider the creation of a common logo for all products that have been granted GI tags to certify them as ‘Geographical Indications’ to prevent the duplication of those products.

6. Constitute an expert committee for collecting necessary data relating to the conflicting claims for GIs between two or more States on similar products and thereby, assisting the GI Registry to resolve such inter-state disputes expeditiously. Efforts should be made to amicably settle such disputes.

7. Re-constitute the Intellectual Property Appellate Tribunal (IPAB) or any other statutory bodies to expeditiously deal with the disputes relating to GIs. This is necessary to prevent the GI tag holders from getting discouraged from taking legal actions against infringements of their rights and may eventually help to reduce the high costs in the legal proceedings of GI infringements.

8. Appoint an expert committee to review the existing legal framework concerning GIs. Accordingly, it should bring all necessary changes in the GI Act of 1999 and take all other necessary steps to make the Indian GI mechanism a robust one by taking necessary lessons from various other countries on how they have developed an efficient GI protection mechanism and maintained their global reputes for authenticities or unique qualities of their products.

CONCLUSION

In this paper, the author merely pointed out some of the major issues posing obstacles in making

the Indian GI mechanism a robust one, but indeed, there are other issues as well and therefore, it requires an overhaul. If these issues can be resolved before it is too late, there is no reason why India cannot become a shining example of a robust GI protection mechanism before the eyes of the whole world. As India has wide diversities in distinct essential factors such as geography, climate, soil, culture, traditions, language, and so many and moreover, India is an agrarian economy, an efficient GI protection mechanism may appear as a gamechanger with the plausible potential to considerably boost the economy of the nation as well as the indigenous industries bearing cultural, traditional and other unique identities, if a little more importance is given in this field to prevent the said potentials getting wasted for sheer ignorance. It can be concluded that the concept of GI is a boon in the vast arena of Intellectual Property Rights. Thus, if the issues plagued by its existing mechanism are remedied in time and with utmost importance and all the laws are properly implemented, the dawn of revolutions in the Indian GI protection system must not be too far away. Further, the GI revolutions shall be bound to have significant reflections in the overall growth of the economy, cultures, industries, tourism and so many other areas as well.