IMPACT OF GI TAG IN HANDICRAFT SECTOR WITH REFERENCE TO UTTAR PRADESH

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ABSTRACT:

"The handicrafts industry is central to the county's economy because it helps preserve the country's ethnic legacy, brings substantial foreign exchange profits, and employs a significant proportion of artisans in rural and semiurban areas. In India, a new and significant type of intellectual property is called a geographical indication. It is a useful tool to protect and promote the traditional knowledge of unique artifacts as well as its commercial worth. However, while the handicrafts industry has a lot to benefit from GI, its interests are harmed when GI is restricted only to intellectual property. Handicraft constitutes 57.84% of all GI registered goods in India; the second highest is agricultural at 31% in the year of 2024. The situation of the Artisans has aggravated with the passage of time. One of the leading reasons behind the extinction of handcraft industry in Uttar Pradesh is that the artisans in the area still lack the comprehensive knowledge of GI. The current analysis will present the overview of the current status of GI registration of Uttar Pradesh. Further, it is vital to understand the major obstacles for successful implementation of GI in the traditional handcraft sector of Uttar Pradesh."

Keywords: Handicrafts, Intellectual Property, Geographical Indication, Registered goods, Uttar Pradesh, India, Artisans.

INTRODUCTION

PRELIMINARY:

A set of legal rights followed by the remedies which is interrelated with the novel formation of the human intellect falls under the purview of Intellectual Property Rights (IPR). Prominent origination and high-tech advancement are the sequel of inventiveness. A person is said to be involved in the furtherance of generating intellectual property which is, in a particular way, a kind of a possession we can vend, grant, award etc. only if such person produces some object, design goods, pen down a script, book, a punchline or any libretto. In addition to that, we can also pronounce it as something which is a subject matter of possession. It also includes corporeal and non-corporeal, tactile and non-tactile, conspicuous and non-conspicuous, actual or distinctive substance which conveys that it has commutable worth which construct affluence, position, and assets. Furthermore, enlargement of the revenue models where intellectual property is a fundamental component setting up the worth and probable progression, are convinced by the modifications in the universal money-making ambience.

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There is an attestation of increment with fleet-footed advanced hi-tech, scientific, and medical upheaval in intellectual property today. For the preservation of intellectual property rights (IPRs), various up to dated codifications have been proceeded in India to encounter the international commitment under the World Trade Organisation Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS).

Behoving the requisition for IP specialist being well seasoned in the zone who engages in with intellectual property rights from one side to the other of the national and international frontier, it has taken a place of being the world's biggest and fastest burgeoning fields of law. To develop as a profit-making market, a few industrial sciences be in need of indestructible IP protection, but non-essential price can circumvent escorting a product to market. Weighing these various considerations by IP departments of organization for performing essential IP protection functions. Researchers are introduced by this primer to the main forms of IP and its legal aspects.¹

¹ Voss, T., Paranjpe, A.S., Cook, T.G. and Garrison, N.D., 2017. A short introduction to intellectual property rights. Techniques in Vascular and Interventional Radiology, 20(2), pp.116-120.

GEOGRAPHICAL INDICATION

Goods that have a distinguishing geographical genesis and acquire excellence, glory, or inclinations are elucidated as being marked by a beaker known as geographical indications, essentially ascribable to that place of origin. Not only agriculture and handicrafts are encompassed by this, but it also extends to other areas such as food and processing, which is worth noting. Only those registered under GI protection are capacitated and made eligible to utilise the product's renowned name, which reflects the residence of that region, ensuring exclusivity.

By using geographical indication, one can convert almost all sorts of natural, traditional, and hand-produced items into high-value goods. A few indicators suggest that specific places yield products such as manufactured, handicraft, agriculture, or natural goods. Local inhabitants, who exploit traditional methods and the knowledge gained from their locales, make a great number of these products. Certain Goods possess specific properties appreciated by the public, identifiable by a location indicator on the box or wrapper. Utilizing the fine sensibilities and traditional experience, along with geographical indications, can enhance the commercial prosperity of communities and the areas where the goods originate.²

The conclusion of the agreement on trade related aspects of Intellectual property rights in 1994, which includes a section on geographical indications, has made this type of intellectual property both more prominent and interesting to global producers, particularly those of Agriculture products, as well as attorneys, economists, and trade negotiators. While the geographical indications section of the TRIPS Agreement has undoubtedly made the issue more intricate, hysterically, only a small group of countries were familiar with operational geographical indication policies at that time.

Geographical indications have been encompassed by the subject of intellectual property laws in ancient times. An object of industrial property was included to be "indications of source" and "appellations of origin", regarding paragraph 2 of Article 1 of the Convention of Paris on the Protection of the Industrial Property of 1883. It is applied, as evidence from paragraph 3 of the same article, that this concept also subject to all agricultural, minerals productions, and

² http://hdl.handle.net/10603/540219

extractive industries, inclusive of "wines, grain, tobacco leaf, fruit, cattle, minerals, mineral waters, beer, flowers, and flour".³

For a considerable duration, "indications of source" and "appellation of origin" have been recognised, while geographical indications have been introduced as the latest addition to intellectual property rights (IPRs) historically. "Geographical indications are, for the purposes of this Agreement, indications which single out a good as commencing 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 imputable to its geographical origin" as mentioned in Article 22.1. High-quality products have become associated with certain geographical regions gradually over time, especially in agriculture where the influence of nature is substantial. This is for the most part, the case with agricultural products as nature has quite a huge role to play in the production of agriculture. Geographical indications are not found to be restricted solely to agriculture products nevertheless. Attempts may be made by some entities to unfairly exploit the reputation of a geographical indication once it becomes renowned, which harms both the original producers and the consumers. The aim of reducing or eliminating deceitful competition is served by protecting geographical indications, which in turn defends the rights of legitimate producers and consumers.⁴

DEFINITION OF GEOGRAPHICAL INDICATIONS:

The word "geographical" is derived from a Latin word "geographicus," which is from a Greek word "geographikos," which in turn is traced from "geographia," which means "description of earth's surface." The word "indication" is conveyed form Latin "indicationem" (regulative indicatio), a noun of action from past participle stem of "indicare", which itself is derived from two words, "in" (meaning- into, on, and upon) and "dicare," meaning- to show, proclaim therefore, indication or "indicatio" means "a sign which indicates". It can thus be understood, that the phrase "geographical indication" means a sign which indicates about earth's surface. It refers to a place on earth where the goods in question are made. Consumers are informed by geographical indications (GIs) that the products have distinct qualities, reputation, or characteristics derived from their geographic origin. The term

³ https://www.wipo.int/edocs/pubdocs/en/wipo_pub_952_2021.pdf

⁴ C. Niranjan Rao. "Geographical Indications in Indian Context: A Case Study of Darjeeling Tea." *Economic and Political Weekly* 40, no. 42 (2005): 4545–50, available at http://www.jstor.org/stable/4417300.

⁵https://www.etymonline.com/word/geographical (last visited on 19th April, 2024)

⁶https://www.etymonline.com/word/indication (last visited on 19th April, 2024)

"geographical indication" is deduced to signify a connection with the earth overall. Products with a specific geographical origin are labelled with a geographical indication, embodying qualities, a reputation, or characteristics inherently linked to that origin. Features that are inherent to the products' place of origin and influenced by both natural conditions and human factors are essential to these goods. The concentration of business with aligned goals in a single an area is illustrated excellently, typically indicating specialisation in the production of our preparation of goods. The Association of a specific item with its place of production is prompted nowadays to remind people of the other. Specific products are denoted by geographical indications as being distinguished by a unique feature, reputation, or qualities. The distinctiveness of a product is contributed to by various factors, including natural ones like climate and soil, and human elements such as the concentration of similar businesses. Human elements such as a cluster of businesses with shared interests congregating in a particular region, and emphasis on various facets of manufacturing a product or crafting a good, and a collection of norms may be included as the other factors. The established connection between the two ensures that mentoring either the location or the item inevitably brings the other to mind.

Information on various forms of Geographical Indications (GIs) is addressing Part II, Section 3 of the TRIPS agreement. The said Section of the TRIPS Agreement involves Geographical Indications. It clarifies that a geographical indication is perceived as a sign utilized on that merchandise that has a particular geographic origin and has characteristics or notoriety radically inferable from its place of production. That a product has distinctive attributes, is crafted following age-old methods, or holds a certain renowned owning to its origin from a specific place, which might be a nation, a region within that nation, or a local area, is indicated fundamentally by GIs. Consumers are informed about the authentic origin of products by these makers, which are essential, thus safeguarding the rights of producers who exclusively have the right to utilise the geographical indication in question. Brandy originating from that area of in France is commonly referred to as "Cognac", and tea produced in that region of India is referred to as "Darjeeling".

⁷ Agreement on Trade Related Aspects of Intellectual Property Rights, art. 22 (1)

INDIAN LEGISLATIONS AND GI OF GOODS:

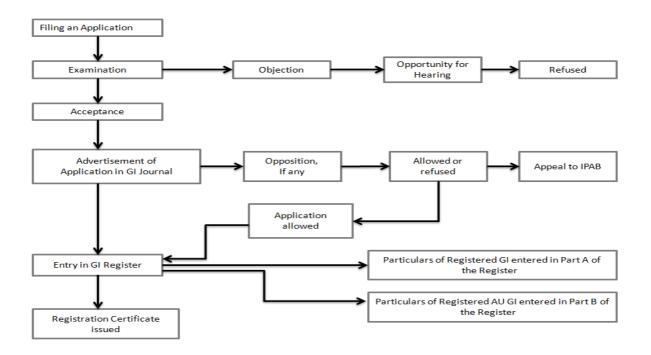
India, a country richly blessed with natural and agricultural treasures and home to famous geographical names such as "Darjeeling" (tea), "Alphonso" (mango), and "Basmati" (rice), found it off paramount importance to establish strong protection of geographical indications (GIs). A specific GI statute was absent despite this bounty, until the enactment of "The Geographical Indications of Goods (Registration and Protection) Act, 1999", referred to henceforth as the GI Act. Worldwide sales of tea from nations like Kenya and Sri Lanka as "Darjeeling tea" have occurred, inaccurately denoting what truly is the distinct and fragrant tea from the elevated terrains of North-Bengal. Rice strains named "Basmati" have been cultivated and trademarks linked to this name have been sought by companies in France and the US, surfacing significant Instances of misuse. The awarding of a patent for "Basmati Rice Lines and grains" to Rice Tec Inc, company based in Texas, was a notable case of such abuse which provoked substantial controversy and was viewed as an infringement on India's esteemed Geographical Indication (GI). The necessities that prompted the creation of the "Geographical Indications of Goods (Registration and Protection) Act, 1999" were highlighted by this event, among others. Geographical Indications G I's are in pivotal infesting economic growth and development. They build consumer trust by ensuring that products label with a GI meet certain quality standards that are genuinely from the region they claim to be from.

National Intellectual Property Laws in India were established by passing this law which, was pivotal in line with the TRIPS Agreement commitments, to protect its wealth of natural and agriculture products from improper claims and misrepresentations in internationally. The "Geographical Indications Registry" in Chennai, which has jurisdiction across the nation, was established by the central government with the legislation coming into force on September 15, 2003. The right to apply to become an authorised user is granted to any producer claiming to produce the goods associated with the registered GI upon the registration of a geographical Indication. The administration of the GI Act is overseen by the controller general of Patents, Designs, and Trademarks, who also serves as the registrar of Geographical Indication. This dual role ensures a cohesive approach to the protection of intellectual property rights across different domains.

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⁸ http://eprints.rclis.org/7878/1/EF6C0C53.pdf

REGISTRATION PROCESS OF GI IN INDIA:



Source: https://www.ipindia.gov.in/the-registration-process-gi.htm

HANDICRAFT SECTOR SCENARIO IN INDIA:

The Indian economy's most significant segment is represented by craftsmanship with job provision led by agriculture and followed by crafts. The social and cultural fabric of millions of people is contributed to by the employment of thousands of artisans in this sector. This strength of Indian heritage and their splendid utility are reflected as crafts integrate mythological, religious, social, historical, and artistic expressions at the same time. Profitability has been cultivated by the craft sector as the primary industry, and over the time, it has increasingly become recognised as a superior sector for employment. Higher employment is generated by the craft sector with less capital investment. The product's value is ultimately contributed to by raising the price, and inspiration for women and others with eco-friendly and creative skills can be provided making economic growth promotion, a highly favoured area in the craft sector. A diverse array of ethnic traditions and cultures is boasted by India, which has earned it the reputation of being a repository of crafts. Unique handcrafts are created using distinct raw materials in various parts of our country. Craft items such as metal ware, wood ware, hand-printed textiles, scarves, leather crafts, hand-knotted carpets, embroidered goods, wood designs, shawls, stone carvings, and imitation jewellery are produced by artisans. Variations in craftmanship, style, colour, combinations, and finishing touches are exhibited by

the same type of item, which, when crafted in different regions, often reflects the unique creativity of the artisans - a hallmark of this handcrafts.⁹

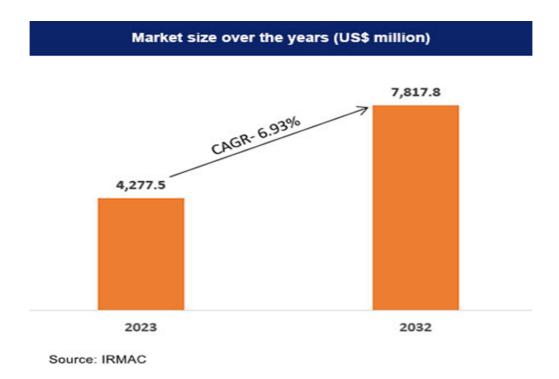
Growth in India's industry is being fostered by the burgeoning demand for artisanal products on various digital platforms. Immense popularity is being gained by handicrafts with the expansion of travel and tourism in the country. A substantial amount is being spent on souvenirs and various handicraft items by tourists. The industry is being broadened for local craftsmen and artisans to produce and market highly sought-after handicrafts by this trend. The industry's growth is being contributed to by the demand for hand-crafted home decor in residential spaces, corporate offices, restaurants, and the gifting industry. Minimal initial investment is required by the business, which is known for its cost effectiveness, while it offers a high value addition ratio.¹⁰

Nearly 2,12,000 artisans are engaged and a variety of over 35,000 products is yielded by 744 handicraft clusters that exist across India. Significant contributions to the industry are made by notable clusters such as Surat, Bareilly, Varanasi, Agra, Hyderabad, Lucknow, Chennai, and Mumbai.

The opportunities for local artisans and crafts people to produce and market their handcrafts efficiently are enhanced by the considerable amount made by invest in repurchase of souvenirs and crafts results. The sectors growth is propelled by the rising interest in hand-crafting the growth of homes, offices, and restaurants as well as the expanding gifting industry market furthermore. Thriving on minimal initial capital investment, significant value addition, and promising export prospects, this market is economically viable.

⁹https://www.isca.in/IJMS/Archive/v2/i2/5.ISCA-RJMS-2012-057.pdf

¹⁰https://www.indiantradeportal.in/vs.jsp?lang=0&id=0,31,24100,24111#:~:text=Handicraft%20is%20one%20of%20the,%2C%20attars%2C%20agarbattis%2C%20etc.



Evaluation of US\$ 4,27 7.5 million was reached by the Indian Handicrafts market in 2023 and it is expected to grow to US\$ 7,817.8 million by 2032. An expansion with a compound annual growth rate (CAGR) of 6.9% from 2023 to 2032 is projected for the market.

EXPORT DRIFT:

Shopping has been made more convenient by a break in the supply chain of handicraft items through a number of platforms, which reflects the global demand for these products. The booming travel and tourism sector within the country is attributed to India's market growth. A fondness of various handicrafts is often developed by travel enthusiasts, who willingly spend on souvenirs and handmade items. The crafting and effective marketing of handicrafts, ensuring wide distribution, have been enabled by the opportunities created for local artists and artisans. The global handicraft export market is stood out in by India, especially known for its high-quality homemade carpets, both these in terms of volume and value of the same. Handicraft exports from India were valued at Rs. 27,291 during April-February 2024, compared to Rs. 27,694 in the previous year's corresponding period. An estimated total export value of Rs. 30,019 crores (US\$ 3.60 billion) were recorded for the fiscal year 2023. Handicraft exports worth US\$ 4.35 billion were recorded by India in 2021-22, marking approximately 25% increase from the previous year. A steady increase in the export of handmade goods,

particularly in handmade carpets, which account for about 40% of global sales, has been observed over the past three years.



Note: *Until February 2024 (Provisional data), *Data excludes export

of carpets

Source: Export Promotion Council for Handicrafts (EPCH)

To meet the mass demand, handmade crafts exported globally. A 40% share of the exported drugs is held by India, in particular. India exported carpets valued at US\$ 1.36 billion during 2022-23. But the figure plummeted to US\$ 1.79 billion during 2021-22 itself. During the year 2019-20, carpet worth US\$ 1.37 billion were exported from India.¹¹

During this period, Woolen and wooden goods, embroidered and crocheted goods, art metal ware, handprinted textiles and scarves, agarbatis and attars, zari and zari goods and imitation jewellery are some of the major goods exported by India. India recorded the following export types in FY 2023 up to February 2024 (in US \$/ million -provisional): Woodwares 809.9, Embroidered and crocheted goods at 432.1, Art metal wares at 488.8, Handprinted textiles and scarves 174.8, Imitation jewellery 166.9, and Miscellaneous handicrafts 1.02 billion. 12

GOVERNMENT RESOURCEFULNESS:

An investment of US\$ 120 million (Rs. 1,000 crore) is prophesy in the handloom and handicraft sector within imminent four to five years as stated by a senior official of the Union Textiles

¹¹ https://www.dgft.gov.in/CP/

¹² https://www.ibef.org/exports/handicrafts-industry-india

Ministry.

National Handicraft Development Programme (NHDP)

To enhance the knowledge of the entire handicrafts sector about current shifts and colour prognosticates, to dilate Indian exports by introducing the new design-led product, is the target of the above-mentioned programme.

The key constituent of this programme is as follows: -

- Carrying out surveys,
- ameliorate design and technology,
- unfolding human capitals,
- furnishing insurance and credit facilities to artisans, R&D,
- framework development and merchandise support activities.

Comprehensive Handicrafts Cluster Development Scheme (CHCDS)

For setting-up foremost best units with Avant-grade infrastructure, cutting-edge innovation, adequate training and human resource expansion inputs, market dealings, and product diversification by assisting artisans and entrepreneurs is what CHCDS aims.

CHDS will provide a soft intercession such as baseline surveys and activity mapping, skill training, boosted tool kits, marketing events, seminars, publicity, design workshops, capacity building, so on and so forth. Common Facility Centres, Emporiums, Raw Material Banks, Trade Facilitation Centres, Common Production Centres, and Design and Resource Centres will also be granted under the same scheme.

In addition to innumerable standard international marketing events, virtual marketing events have been organized to provide artisans with an international marketing platform. Domestic marketing events such as Gandhi Shilp Bazaar, Craft Bazaar, and Exhibitions are organized to provide artisans with a domestic marketing platform.

GOVERNMENT BODY-

Export Promotion Council for Handicrafts (EPCH)

The EPCH was established under the Companies Act in 1986-87. The main objective of the council is to promote, support, protect, maintain and increase the export of handicrafts. The other activities of the council are knowledge dissemination, providing professional advice and support to members, organizing delegation visits and fairs, providing liaison between exporters and the government and carrying out awareness workshops.

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HANDICRAFT INDUSTRY IN UTTAR PRADESH:

U.P Handicrafts Development and Marketing Corporation Limited-

On 20th January 1966, the Corporation got started as a Government Company under the Companies Act of 1956. Board of Directors is the decision-making authority of the same, which is appointed by the State Government. Authority for the administration, business operations, and financial matters is held by the Managing Director by putting into action of the policies and be in charge of the day-to-day functions of the Corporation with the help of managerial and clerical staff at the headquarters and on the ground.

Objectives-

Exports from the state of Uttar Pradesh was primarily the main objective of the Corporation. With the inception of Export Promotion Bureau, U.P., in the year 1999, the activities relating to the Export Promotion are now being performed by the Bureau. Nowadays, the main intention of the "U.P. Handicrafts Development and Marketing Corporation Ltd (U.P. HANDICRAFTS DEVELOPMENT AND MARKETING CORPORATION)" is to elevate and market handicraft items manufactured by the artisans of the State. The "U.P. HANDICRAFTS DEVELOPMENT AND MARKETING CORPORATION" is administering chain of "GANGOTRI" emporia in vital cities of the country i.e. New Delhi, Hyderabad, Ahmedabad, Mumbai, Nagpur, Kolkata, Lucknow & Kanpur. Through "GANGOTRI" Emporia the artisan's handicraft belongings are displayed and sold. The "U.P. HANDICRAFTS DEVELOPMENT AND MARKETING CORPORATION" largely supports artisans by decreasing the complicity of intercessor, by such means, ensuring that the craftsmen receive maximum compensation for their forte and work. By establishing a more immediate relationship between artisans and the

market, the corporation not only helps in preserving long-established crafts but also aids in the economic development of the artisans, providing them with a platform to demonstrate and sell their goods at a reasonable price. This exemplary promotes sustainability within the handicrafts sector and fosters an environment where the cultural heritage of the region is valued and preserved.

The Corporation has established the "U.P. Craft-Mart located at A-161, Sector-136, Noida", aimed at offering handicraft manufacturers and exporters a valuable platform to market and promote the state's handicrafts. This facility is equipped with 20 showrooms, designed to be leased to handicraft manufacturers and exporters according to specific terms and conditions. In addition to the showrooms, there are 16 stalls within the "Craft-Mart" that can be utilized for holding temporary exhibitions. The presence of a Food Court in the "Craft-Mart" further enhances its appeal, providing a comprehensive space for both showcasing the handicrafts and catering to the needs of visitors for refreshments, thereby supporting a more engaging and pleasant experience for all stakeholders involved in the promotion and sale of handicrafts from the region.

The "U.P. HANDICRAFTS DEVELOPMENT AND MARKETING CORPORATION" engages in executing developmental schemes authorized by the Development Commissioner (Handicrafts), Government of India, which includes orchestrating exhibitions across the nation. These exhibitions work as platforms for artisans to market directly and sell their products. Further, the Corporation takes part in International Exhibitions for the global recognition and commercial success for the work of artisans, the Corporation takes part in International Exhibitions. Through these activities, the Corporation ensures that the artisans receive deserved recognition and financial rewards, both domestically and internationally, thereby supporting their livelihoods and preserving traditional crafts.

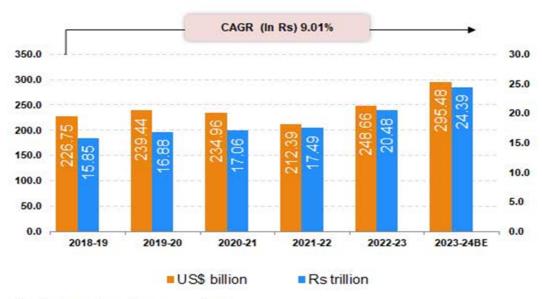
Likewise, in Saharanpur there is a wood seasoning plant which is run by the "U.P. HANDICRAFTS DEVELOPMENT AND MARKETING CORPORATION" where facilities of wood seasoning and chemical treatment are provided to the artisans which help improve the quality of their products.¹³

¹³ http://www.uphdmc.in/about.aspx

Registration details of Geographical Indication in Uttar Pradesh (From April 2022-March 2024)

Geographical Indication	Goods {As per Sec 2 (f) of GI}
Aligarh Tala	Handicraft
Bakhira Brassware	Handicraft
Banda Shazar Patthar Craft	Handicraft
Nagina Wood Craft	Handicraft
Mahoba Gaura Patthar Hastashlip	Handicraft
Mainpuri Tarkashi	Handicraft
Sambhal Horn Craft	Handicraft
Banaras Pan (Betel Leaf)	Agriculture
Muzzafarnagar Gur (jaggery)	Food Stuff
Ramnagar Bhanta (Brinjal)	Agriculture
Banaras Langda Aam (Mango)	Agriculture
Pratapgarh Aonla	Agriculture

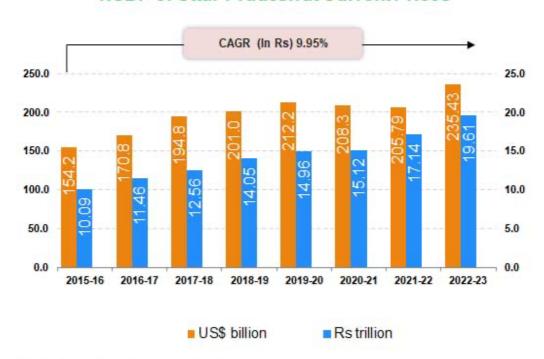
GSDP of Uttar Pradesh at Current Prices



Note: Exchange rates used are averages of each year

Source: MOSPI

NSDP of Uttar Pradeshat Current Prices



Note: Exchange rates used are averages of each year

Source: MOSPI

Obstacles that are faced by general public in understanding GI and its implementations:

- 1. Unawareness: Lack of awareness is one of the major obstacles among the craftsman and artisans to understand the GI, its role, advantages and how to grab it. A proper education initiative which is to spread knowledge about the Intellectual Property Rights is a must.
- **2.** Complicated Bureaucratic Procedures: The procedure of acquiring GI tag is exhaustive and confused, necessitating pinpoint records and proof. This bureaucracy can come out to be a real hurdle for artisans who have no means to acquire proper knowledge about its processes and producers which are to be followed.
- **3. Fiscal Limitation:** For most of the artists, it is not possible to bear the cost of the GI registration. This involves expenses linked with legal, paperwork, and procedural matters, which can cause a burden on them without the extra financial support.
- **4. Narrow Advertising and Branding Support:** Craftsman often find it a real hard job to place their goods to larger markets even after reserving a GI tag. A backbone is essentially a need for their goods to be advertised in a good number of places at a large level so that people get their hands on their product.
- **5.** Lacking Implementation of GI rights: A GI registration's shielding is just as powerful as its execution. The challenges that lessen the value of these indicators and injure the actual artists are forgery and the unlawful use of GI tags on copied items.

Conclusion:

In conclusion, substantiation is stood by the enactment of Geographical Indication tags to the rich and diverse cultural heritage of India. The distinct identity of territorial produce is not only safeguarded but artisans are also empowered through the provision of a platform for gaining recognition and fair compensation for their traditional skills.

GI tags provide legal protection against unauthorised use ensuring that only our tissues from the geographical location can use the name. Concerted efforts should be made by the government, NGOs, and other stakeholders to provide education to artisans regarding the advantages of GI tags and to streamline the application and enforcement procedures. The government could implement financial assistance programmes to assist in covering the cost

related to the acquisition of GI tag. Artisans could gain significant benefits from marketing and branding workshops that effectively position their Gi tagged products in national and international markets. This strategy would enhance the economic well-being of Uttar Pradesh's artisan communities and preserve and promote India's rich culture heritage globally. To obtain the latest developments and specific case studies from Uttar Pradesh post early 2023, one should reach out to local trade and intellectual property offices or consult industry specific publication.