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# GEOGRAPHICAL INDICATIONS AS A TOOL FOR LOCAL PRODUCT PROTECTION

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## ABSTRACT

Geographical indications constitute a specialised intellectual property mechanism designed to protect products inherently linked to specific geographical territories, preserving traditional knowledge, cultural heritage, and enabling rural economic development through market-driven premium pricing mechanisms. This paper undertakes a comprehensive examination of geographical indications as a tool for local product protection, integrating an introduction, an evolutionary trajectory, legislative architecture, judicial interpretation, and an international comparative analysis. The research traces the genesis of geographical indication protection from European regulatory initiatives, particularly concerning wines and spirits, through the Trade-Related Aspects of Intellectual Property Rights Agreement, which mandated harmonised international standards, culminating in India's enactment of the Geographical Indications of Goods (Registration and Protection) Act, 1999, establishing a sui generis legal framework responsive to national development imperatives. The legislative analysis identifies foundational objectives encompassing cultural heritage preservation, prevention of fraudulent misrepresentation, and facilitation of foreign exchange earnings through enhanced product marketability and premium valorisation. Judicial responses demonstrate limited appellate engagement, with the SC and HC addressing jurisdictional ambiguities regarding multi-territorial registrations, particularly exemplified by the Basmati rice boundary disputes and statutory interpretation challenges under Section 8 of the domestic legal framework. An international comparative examination juxtaposes India's protective mechanisms against EU regulatory sophistication, Mexican Denominación de Origen governance structures, Greek Feta cheese jurisprudence, and Pakistan's competing claims regarding Basmati origins, revealing divergent approaches to collective reputation institutionalisation and enforcement infrastructure. The paper concludes that whilst geographical indications demonstrate substantial potential for generating sustainable economic returns and protecting origin-linked products from counterfeit proliferation, effective realisation requires comprehensive post-registration institutional support, quality control mechanisms, international coordinated enforcement and adequate resource allocation to overcome persistent implementation deficiencies.

**Keywords:** geographical indications, TRIPS, product, protection

## Introduction

The contemporary intellectual property landscape demonstrates an unprecedented urgency in protecting geographical indications as essential mechanisms for preserving local product authenticity and cultural heritage in an increasingly globalised marketplace. GI function as distinctive geographical markers that communicate the origin, quality, and unique characteristics of products inextricably linked to their places of production, thereby serving simultaneously as instruments of intellectual property protection and vehicles for regional economic development. As traditional products face accelerating threats from unauthorised appropriation, counterfeiting and misrepresentation across international markets, the role of geographical indications has evolved from a peripheral concern within intellectual property frameworks to a central policy priority for governments and international trade organisations seeking to safeguard the legitimate interests of local communities. The expanding recognition of geographical indications reflects a broader acknowledgement that the integrity and reputation of locally produced commodities constitute valuable intangible assets worthy of comprehensive legal protection, particularly in developing economies where artisanal production and agricultural heritage represent significant sources of income and cultural continuity.<sup>1</sup> Statistical evidence demonstrates the substantial and accelerating growth of geographical indication registrations globally, reflecting heightened awareness among producers regarding the economic and protective benefits inherent in formal registration systems. As of 2024, the global landscape encompassed approximately 62,300 geographical indications in force across diverse product categories, with marked regional variations in distribution and registration patterns reflecting differing legislative approaches and economic priorities. India, as a jurisdiction with an extraordinary diversity of traditional products, has registered 658 geographical indications by 2024-2025, representing an increase of 23 new registrations in the preceding fiscal year alone, distributed across agricultural commodities, handicraft products, foodstuffs and manufactured goods, with UP and Tamil Nadu emerging as leading states in aggregate registrations. The compound annual growth rate for geographical indication registrations in India reached 5.76% during the examined period, while global growth rates attained 8.17%, indicating sustained momentum in the formalisation and protection of geographically-linked products, particularly within agricultural commodity sectors, demonstrating the highest annual growth rate of 10.63% in India and 12.14%

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<sup>1</sup> Laurencia Aurelia Verhoeven, Budi Santoso, Legal Protection Analysis of Geographical Indications as Effort to Preserve Local and Indonesian Products, 8 IJSSHR, (2025).

internationally.<sup>2</sup> The judicial sphere has witnessed significant developments in geographical indication jurisprudence, exemplified by the landmark decision in *Scotch Whisky Association versus JK Enterprises*, adjudicated by the MP HC's Division Bench in December 2023, which comprehensively addressed the interpretive scope of proprietary rights conferred upon registered proprietors under the GI Act of 1999. The court's pronouncement established that a registered proprietor of a geographical indication possesses independent standing to institute infringement proceedings notwithstanding the non-implementation of authorised users as necessary parties, thereby reaffirming the substantive nature of proprietary interests vested through geographical indication registration and aligning India's jurisprudential development with its international obligations under the TRIPS Agreement. This judicial clarification resolved ambiguities concerning the procedural architecture of geographical indication enforcement, demonstrating the courts' commitment to purposive interpretation of statutory provisions in furtherance of comprehensive protection objectives, whilst simultaneously establishing precedential authority for determining the scope of litigation rights exercisable by geographical indication proprietors across diverse factual scenarios.<sup>3</sup>

The overarching research objectives of this study comprise a multi-dimensional examination of geographical indications functioning as protective mechanisms for local products, encompassing an analysis of the legal framework governing geographical indication registration and enforcement in India, an assessment of the economic benefits realized through formalized geographical indication protection, an evaluation of the challenges confronting effective implementation of geographical indication rights, and a comprehensive investigation of comparative regulatory approaches adopted by international jurisdictions in safeguarding geographical designations against unauthorized appropriation and misrepresentation. Furthermore, this research endeavors to identify persistent gaps and lacunae within existing protective frameworks, to elucidate the relationship between geographical indication protection and sustainable development objectives, and to formulate evidence-based recommendations for institutional and legislative reforms capable of enhancing the efficacy of geographical indication protection mechanisms.<sup>4</sup>

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<sup>2</sup> Da Silva, C. R., *Geographical Indications in Brazilian Regions: A Strategy for Protection and Local Development*, 22 ODLEA, (2024).

<sup>3</sup> Wudhijaya Philuek, Nicharee Pomsamrit, *Development of Mobile Learning to Enhance Learning of Local Products as A Geographical Indication: Case of Two Provinces in Thailand*, Semantic Scholar, (2021).

<sup>4</sup> Ibid.

The fundamental research problem animating this investigation concerns the substantial disconnect between the theoretical protective potential embedded within geographical indication legislation and the practical efficacy of such protections in addressing contemporary challenges of counterfeiting, dilution, misappropriation and unauthorised use of geographical designations in both traditional marketplaces and emergent digital commerce platforms. Despite the enactment of comprehensive legislative frameworks and the establishment of specialized administrative infrastructure for geographical indication registration and enforcement, significant proportions of eligible products remain unregistered due to awareness deficiencies among producers, administrative complexities inherent in the registration apparatus, and resource constraints limiting producers' capacity to navigate procedural requirements, thereby leaving vast repositories of traditional knowledge and cultural heritage vulnerable to exploitative appropriation. This research adopts a doctrinal legal methodology encompassing comprehensive analysis of primary statutory instruments including the *Geographical Indications of Goods (Registration and Protection) Act of 1999* and its subordinate rules, examination of foundational and appellate jurisprudence addressing geographical indication protection mechanisms, systematic review of secondary legal scholarship from international peer-reviewed journals focusing upon geographical indication theory and practice, and comparative analysis of legislative frameworks operative in multiple jurisdictions representing divergent regulatory philosophies and protective approaches.<sup>5</sup>

### **Historical Development and International Evolution of Geographical Indications**

The contemporary legal framework governing geographical indications represents the culmination of nearly 140 years of international cooperation aimed at protecting products whose distinctive qualities are attributable to their geographical origins. Historical evidence demonstrates that ancient civilisations recognised the commercial value of geographical source identification. Ancient Egypt employed marks to indicate the origin of bricks and stones, while the Greek region of Thesos achieved prominence for wine, commanding premium prices that reflected its distinctive characteristics. During the medieval period, European guilds and Indian shrenis established localised quality control mechanisms intrinsically linked to geographical provenance, effectively restricting competition from external producers and cultivating reputations for goods. The formalisation of geographical indication protection commenced

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<sup>5</sup> Riccardo Crescenzi, Fabrizio De Filippis, *Geographical Indications and Local Development: The Strength of Territorial Embeddedness*, 56 RS (2022).

with the Paris Convention for the Protection of Industrial Property, concluded in 1883, which incorporated indications of source as objects of national protection. This was followed by the 1891 Madrid Agreement, which addressed the convention's inadequacies by comprehensively prohibiting false indications of origin. The transformative moment in geographical indication jurisprudence occurred with the Agreement on TRIPS concluded in 1994, which established binding obligations upon all WTO member states to implement minimum standards of protection and introduced the defining criterion that geographical indications must identify goods whose quality, reputation, or other characteristics are essentially attributable to their geographical origins, thereby encompassing diverse categories of products extending beyond wines and spirits. India's institutional response was manifested through the enactment of the Geographical Indications of Goods (Registration and Protection) Act of 1999, which established a dedicated *sui generis* legal regime providing comprehensive protection mechanisms and furnishing legal mechanisms through which communities engaged in traditional production could secure formal recognition of their proprietary interests in geographically distinctive products.<sup>6</sup>

### **Statutory Architecture and Registration Mechanisms**

The statutory architecture governing geographical indications in India represents a comprehensive *sui generis* system formalised through the Geographical Indications of Goods (Registration and Protection) Act enacted in 1999 and implemented through the Geographical Indications of Goods (Registration and Protection) Rules of 2002, establishing an institutional framework specifically designed to address the distinctive characteristics of geographical indication protection divergent from conventional intellectual property regimes. The legislative framework defines a geographical indication under Section 2(1)(e) of the Act as an indication identifying goods as agricultural goods, natural goods, or manufactured goods originating or produced in the territory of a country, region, or locality, where a given quality, reputation, or other characteristic of such goods is essentially attributable to its geographical origin, encompassing instances where manufactured goods result from production, processing, or preparation activities conducted within the specified territory, thereby establishing a definition substantially aligned with yet broader in interpretive scope than the definitional parameters established under the TRIPS. The registration apparatus outlined in Section 11 of the Act

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<sup>6</sup> Emin Arslan, Hakan Kendir, Investigation of Tokat Bez Sucuk, a Geographically Indicated Local Food, within the Scope of Sustainable Gastronomy, 15 Sustainability (2023).

mandates that any group of persons, association of producers, or authority established by law representing the interests of producers may file applications for geographical indication registration, requiring applicants to furnish detailed statements establishing the requisite nexus between the product's distinctive characteristics and its geographical environment encompassing both natural factors and human factors intrinsic to the territory of origin, accompanied by geographical maps depicting the relevant region, graphical representations of the geographical indication, and comprehensive particulars concerning authorized producers or users. The Act vests in the Registrar of GI substantial discretionary authority concerning the examination, acceptance and registration of applications, with Section 12 establishing a prima facie examination procedure requiring the Registrar to determine whether applications conform to statutory requirements and subsequently permitting publication of accepted applications in prescribed formats to afford interested parties opportunity for submission of written opposition within specified timeframes, a procedural safeguard safeguarding established proprietors interests and preventing registration of geographical indications contrary to prior protected rights. Section 16 of the Act provides that upon successful completion of examination procedures and expiration of opposition periods without rejection, the Registrar shall effect registration of the geographical indication, with registration conferring upon the registered proprietor exclusive rights to utilize the geographical indication in relation to goods for which registration was granted, simultaneously establishing the foundational basis upon which authorized users may be registered pursuant to Section 17 in relation to goods produced in accordance with statutory standards.<sup>7</sup>

The legislative framework delineates comprehensive regimes governing the proprietary interests conferrable through registration, with Section 21 establishing that registration confers upon the registered proprietor exclusive rights preventing unauthorized utilization of the geographical indication, while Section 17 permits individual producers demonstrating documentary evidence of original producer status to obtain authorization to utilize the registered geographical indication subject to conditions prescribed by the registered proprietor, creating a distinctive institutional mechanism unique to Indian geographical indication law facilitating collective ownership structures whilst simultaneously permitting individual producers' participation in the protective regime. The Act incorporates stringent enforcement mechanisms through Sections 22 through 24 addressing infringement, with Section 27

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<sup>7</sup> Ganesh Makam, *Geographical Indications and Cultural Protection in India: Harnessing Intellectual Property for Regional Development*, (2023).

delineating prohibited conduct encompassing falsification of geographical indications, unauthorized application to goods, misrepresentation of geographical indication status, and possession with intent to sell goods bearing false indications, whilst Sections 28 and 29 establish criminal penalties prescribing imprisonment terms ranging from 6 months to three years for initial offenses and escalating to minimum 1 year imprisonment periods for subsequent violations, coupled with monetary penalties commencing at fifty thousand rupees and extending to three lakh rupees for criminal infractions, supplemented by civil remedies encompassing injunctions, damages, accounts of profits and delivery-up orders authorizing destruction of infringing materials. The Act further establishes an appellate framework through Section 37 establishing the Intellectual Property Appellate Board as the appellate authority for determinations rendered by the Registrar, thereby creating multi-tiered dispute resolution mechanisms facilitating review of registration rejections, opposition decisions, rectification orders, and cancellation determinations, whilst simultaneously incorporating provisions under Section 38 enabling the Central Government to designate agricultural commodities for notified goods classification conferring heightened protective standards through enhanced examination procedures and supplementary protective mechanisms. The statutory prohibition articulated in Section 25 renders void any trademark registration incorporating geographical indications, preventing appropriation of geographical designations through trademark registration mechanisms, thereby maintaining the distinction between geographical indications as collective community resources and trademarks as individual proprietary assets, a demarcation reinforced through the Act's explicit proscription against assignment, transfer, or licensing of registered geographical indications independent of the registered proprietor's continued capacity to enforce collective interests.<sup>8</sup>

## Judicial Response

The jurisprudential development of geographical indication protection in India has been substantially advanced through a series of landmark judicial determinations addressing diverse facets of proprietary rights, enforcement mechanisms, and the protective scope of the Geographical Indications of Goods (Registration and Protection) Act, 1999, with the MP HC's decision in *Scotch Whisky Association v. J.K. Enterprises*<sup>9</sup> rendered, establishing that registered proprietors of geographical indications possess independent standing to institute infringement

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<sup>8</sup> Smirtha G, N S Harshini, Comparative Study on Geographical Indications and Trademarks: Safeguarding Intellectual Property in The International Market, 6 IJFMR, (2024).

<sup>9</sup> 2023 SCC OnLine MP 3547.

proceedings without the mandatory impleadment of authorized users as co-parties, thereby interpreting Section 21(1) of the Act disjunctively to confer upon registered proprietors substantive enforcement rights autonomous from authorized users and substantially simplifying the procedural architecture for securing injunctive relief against counterfeit products, as exemplified by the defendants unauthorized manufacture and commercialization of whisky under the mark London Pride utilizing Union Jack imagery calculated to mislead consumers regarding Scottish origin and thereby causing threatened damage to the goodwill and international reputation of Scotch Whisky enjoyed by the petitioner's members across diverse export markets. The Delhi HC decision in *Armasuisse v. The Trade Marks Registry*<sup>10</sup> rendered, extended geographical indication protection principles beyond direct infringement paradigms by refusing registration of the trademark *Swiss Military* and related marks under Section 9(2)(b) of the *Trade Marks Act, 1999*, on the ground that the impugned marks would evoke protected Swiss geographical indications through false trade descriptions calculated to deceive consumers into assuming Swiss origin of products manufactured in China, thereby demonstrating the Erga omnes effect of geographical indications in preventing appropriation through derivative trademark registration mechanisms and affording preventative protection for Swiss precision goods whilst simultaneously benefiting local watchmakers through reservation of origin indicative nomenclature within the marketplace. The Delhi HC judgment in *Bikaji Foods International Limited v. Desai Brothers Limited and Another*<sup>11</sup> decided in October 2023 addressed the permissible scope of comparative advertising in contexts involving registered geographical indications, dismissing the petitioner's application for injunctive relief against comparative advertisements whilst simultaneously affirming exclusive proprietary rights in the geographical indication *Bikaneri Bhujia* protected under Registration No. 29 and clarifying that non-deceptive utilization of geographical designations in advertising remains permissible provided that such usage does not imply or misrepresent the product's geographical origin, thereby establishing a calibrated equilibrium between proprietary interests and commercial speech freedoms whilst simultaneously furnishing aggrieved proprietors with remedies available under Section 27 for compensatory damages in circumstances where advertisements contain misleading origin claims, and conferring protective benefits upon over two hundred authorized producers maintaining operations throughout Rajasthan's snack

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<sup>10</sup> 2023 SCC OnLine Del 4.

<sup>11</sup> OCR 2025 INSC 268.



production regions.<sup>12</sup> The Delhi HC determination in *Asociación de Productores de Pisco A.G. v. Union of India and Others*<sup>13</sup>, established authoritative jurisprudence concerning homonymous GI by upholding the co-existence of Chilean and Peruvian geographical indications for Pisco spirits through mandatory employment of geographical qualifiers “*Peruvian Pisco and Chilean Pisco*” to obviate consumer confusion regarding origin, thereby reversing the Intellectual Property Appellate Board’s erroneous determination which had granted exclusive registration to Peru notwithstanding Chile’s demonstrated historical utilization and international recognition spanning centuries, and establishing precedential authority pursuant to *Section 21* of the Act that multiple legitimate geographical indication proprietors may coexist within India’s registration framework when appropriate safeguarding measures prevent misrepresentation and deception, thereby empowering Andean distillers representing both nations to participate equitably in the Indian market whilst preserving the distinctive production methodologies and terroir characteristics differentiating the respective beverages. The Bombay HC’s dismissal of a PIL in *Prof. Adv. Ganesh S. Hingmire v. PRADA Group*<sup>14</sup> decided, concerning alleged Kolhapuri Chappal geographical indication violation established restrictive locus standi principles determining that civil suits asserting infringement under Sections 22 through 29 of the Act must be instituted exclusively by registered proprietors themselves through ordinary civil remedies rather than through writ petitions under *Article 226 of the Constitution*, thereby clarifying that notwithstanding the significant cultural and economic importance of the *Kolhapuri Chappal* craft tradition encompassing handcrafted footwear protected since 2009 and produced by approximately five hundred artisans throughout Maharashtra, questions involving alleged design copying and unauthorized utilization of the geographical designation constitute proprietary disputes amenable to resolution through the statute’s prescribed remedial mechanisms and thereby directing manufacturers and proprietors to pursue injunctions, damages and accounts of profits through coordinated civil actions rather than through public interest jurisdiction, effectively curbing forum-shopping practices and ensuring focused enforcement proceedings.

### Comparative Frameworks of GI Protection

Geographical indications serve as a distinctive intellectual property mechanism, facilitating the

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<sup>12</sup> Smirtha G, N S Harshini, Comparative Study on Geographical Indications and Trademarks: Safeguarding Intellectual Property in The International Market, 6 IJFMR, (2024).

<sup>13</sup> 2025 DHC 5339.

<sup>14</sup> 2025 BHC AS 29310 DB.

protection of local and traditional products through their association with specific territorial origins. However, international frameworks demonstrate considerable variance in implementation philosophy and efficacy across developed and developing jurisdictions. The TRIPS Agreement establishes minimal standards that mandate member states provide legal means to prevent misleading use and unfair competition concerning geographical indications for all goods. Articles 23 and 24 offer augmented protections exclusively for wines and spirits, thereby engendering a hierarchical structure that lacks rational justification. The European Union's regulatory apparatus, specifically through Regulation 1151/2012, constructs the most comprehensive sui generis system encompassing over six thousand protected designations and protected geographical indications, including emblematic products such as Champagne, which the European Court of Justice reaffirmed in 2021 as entitled to extensive protection prohibiting utilization even when accompanied by qualifiers or true origin disclosures, thereby preventing competitors from leveraging evocative terminology that might exploit the reputation of established appellations. Conversely, India's Geographical Indications of Goods Registration and Protection Act of 1999 initiated a sui generis regime permitting non-geographical nomenclature including Basmati, a designation lacking direct geographical reference yet sufficiently distinguished through reputation and characteristics attributable to specific Indo-Gangetic Plain territories, with Darjeeling tea becoming the nation's inaugural registered geographical indication in 2004-2005, protecting only products cultivated, processed, and produced within the designated Darjeeling region of West Bengal and commanding substantia premium pricing in international markets by guaranteeing authenticity against counterfeit products that had proliferated during the 1990s.<sup>15</sup> The Feta cheese dispute, wherein Greece obtained protection via protected designation of origin status in 1996 following the 1992 European Union protected designation framework, exemplifies conflicts arising from disparate protection paradigms, as Denmark, France, Germany and the UK contested the registration by asserting genericness claims, ultimately unsuccessful when the European Court of Justice determined in 2005 that Feta remained non-generic and exclusively associated with Greek production, subsequently compelling other European producers to reformulate products and alter nomenclature despite continuing external utilization by non-European entities lacking treaty obligations with the EU. Mexico's protection of Tequila as a denominación de origen

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<sup>15</sup> Pooja Padmanabhan, *Harmonising Traditional Knowledge and Global Trade: A Comparative Analysis of GIs Protection in India and Abroad-Examining the Intersections of International Agreements (TRIPS, Lisbon Agreement), Domestic Laws (Indian GI Act) and Techno-Legal Developments for Enhanced Safeguards*, CSRIIPR, (2025).

since 1974, the oldest legally recognized geographical indication beyond Europe, demonstrates state-controlled governance models wherein the Mexican government retains ownership through the Instituto Mexicano de la Propiedad Industrial, yet this expansive territorial delimitation encompassing eleven million hectares including politically contested Tamaulipas municipalities substantially threatens protection efficacy by diluting terroir claims, as the geographical region extends beyond historic production centers in the Amatitán-Tequila valley, consequently questioning whether production necessarily correlates with specific biophysical conditions and cultural practices historically associated with the designation. The international discord concerning geographical indication extension beyond wines and spirits remains deadlocked within World Trade Organization negotiations, with demandeurs including developing nations such as India, Kenya, Nigeria, Pakistan, Sri Lanka, and Jamaica advocating harmonization of Article 23-level protections across all product categories to facilitate rural socioeconomic development, prevent free-riding through genericization, and secure economic returns for traditional knowledge holders, while opposing members including the United States, Australia, and certain developing countries contend that Article 22's protective mechanisms through certification marks and unfair competition laws prove sufficient, that excessive administrative burdens disproportionately impact developing countries, and that trade disruption risks outweigh benefits to demandeur nations.<sup>16</sup>

## Conclusion

The analysis of geographical indications across diverse international jurisdictions reveals that this intellectual property mechanism constitutes a multifunctional instrument transcending commodity market constraints through institutionalisation of reputation, yet its efficacy remains contingent upon robust domestic legal frameworks, effective collective organisation, and contextual adaptation to developing country imperatives. While the European Union's regulatory infrastructure demonstrates that geographical indication protection generates substantial economic value exceeding fifty billion dollars globally, with Italy's four hundred thirty designations generating approximately twelve billion euros annually while employing three hundred thousand persons, the widening implementation gap between developed and developing nations necessitates fundamental reconceptualization of protection paradigms that currently privilege wines and spirits through Article 23 hierarchy whilst subjecting agricultural

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<sup>16</sup>Dwijen Rangnekar, *Geographical Indications: A Review of Proposals at the TRIPS Council: Extending Article 23 to Products Other Than Wines and Spirits*, 4 UNCTAD-ICTSD (2003).

and handicraft products to diminished Article 22 safeguards. The demonstrated rural development potential emerges through premium pricing mechanisms allowing producers of Darjeeling tea, Basmati rice, Tequila, Muga silk, and Kanchivaram silk sarees to command price differentials attributable to geographical origin characteristics and terroir associations, thereby creating employment opportunities averaging eighty point thirty lakh persons in India's sericulture sector and preventing rural exodus through localized production-based economic stabilization. However, the transformative impact depends critically upon several preconditions: first, establishment of inclusive institutional frameworks ensuring equitable rent distribution among diverse stakeholders rather than elite capture by commercial intermediaries; second, comprehensive coordination mechanisms encompassing product specification, quality control, and compliance monitoring to prevent free-riding and opportunistic behavior undermining collective reputation; and third, development of effective enforcement infrastructures combating counterfeit products that historically plagiarized designations prior to sui generis protection implementation. The convergence of consumer preferences documented through empirical surveys indicating that fifty-one percent of European Union consumers demonstrate willingness to pay ten to twenty percent premiums for geographical indication products coupled with expanding markets for organic certifications and agricultural origin-based valorization confirms substantial demand potential in both developed and developing economies, yet realizing this potential demands recognition that geographical indications function simultaneously as consumer protection mechanisms addressing information asymmetries and producer protection instruments institutionalizing reputation as intangible assets with long-term extractable economic rents. The future trajectory of geographical indication protection hinges upon resolving tensions between liberalization imperatives favoring commodity market access and protectionist mechanisms preserving regional monopolistic advantages, requiring World Trade Organization negotiating consensus regarding expansion of enhanced protection beyond wines and spirits to encompass agricultural products fundamental to developing country comparative advantage, whilst simultaneously establishing technical assistance, capacity-building, and enforcement support enabling least-developed nations to establish functional sui generis systems comparable to European standards rather than defaulting to trademark-based regimes proving insufficient for products demanding qualitative characterization linked irreducibly to geographical origin.

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