BEYOND REGISTRATION: STRUCTURAL DEFICIENCIES IN INDIA'S GEOGRAPHICAL INDICATIONS FRAMEWORK

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"A register preserves a name; A legal system preserves its true worth."

ABSTRACT

India's sui generis system for the protection of geographical indications (GIs), established under the Geographical Indications of Goods (Registration and Protection) Act, 1999, represents a significant legislative initiative to fulfil the country's obligations under the TRIPS Agreement. Although the framework has facilitated the registration of a substantial number of geographical indications across agricultural products, handicrafts, textiles, and manufactured goods, registration has not translated into effective commercial protection or sustainable economic benefits for producer communities. This article critically examines the structural deficiencies embedded within India's geographical indications framework. It argues that the limitations of the Indian GI regime constitute an interconnected system of deficiencies that collectively undermine the effectiveness of GI protection. Legislative ambiguities, procedural complexity, weak quality control mechanisms, inadequate enforcement, fragmented institutional governance, insufficient digital infrastructure, and the absence of an integrated commercialisation strategy have significantly constrained the ability of registered GIs to function as valuable intellectual property assets. The article further contends that India's GI policy continues to prioritise registration and cultural recognition but fails to provide due recognition to the aspects of market development, export promotion, value addition, and producer empowerment. The article concludes that meaningful reform requires a transition from a registration-centred model to a coordinated, commercially oriented governance framework that integrates cultural and legal protection with institutional capacity, effective enforcement, quality assurance, and strategic market development. Such an approach is essential to unlocking the economic potential of India's geographical indications while simultaneously preserving their cultural identity and supporting sustainable rural development.

Keywords: Geographical Indications; Geographical Indications of Goods (Registration and Protection) Act, 1999; Intellectual Property Law;

Legislative Gaps; Procedural Deficiencies; Institutional Governance; Enforcement Mechanisms; Commercialisation; Quality Control; Rural Development; TRIPS Agreement; Economic Development.

1. INTRODUCTION

Geographical indications occupy a distinctive position within the architecture of intellectual property law. Unlike patents or trademarks, which vest rights in identifiable inventors or commercial enterprises, GIs are held collectively by communities of producers whose products derive their identity, quality, or reputation from a defined geographical origin. India, with its extraordinary diversity of agricultural produce, handicrafts, textiles, and artisanal goods, possesses one of the richest GI portfolios in the world. Products such as Darjeeling Tea, Basmati Rice, Kanchipuram Silk, and hundreds of other regionally distinctive goods embody centuries of accumulated knowledge, skill, and tradition.

India enacted the Geographical Indications of Goods (Registration and Protection) Act, 1999 primarily to discharge its obligations under Articles 22 to 24 of the TRIPS Agreement. Brought into force on 15 September 2003, the Act established a registration and protection system that has, over more than two decades, grown to encompass over 600 registered GIs[1]. This expansion of the registry is frequently cited as evidence of the framework's success. Yet a closer examination of the system's legislative design, procedural operation, infrastructural capacity, enforcement record, institutional architecture, and underlying policy orientation reveals a persistent and troubling pattern: registration has rarely translated into commercial protection, price premiums, or sustainable economic benefit for the producer communities the system is meant to serve.

1.1 Background

The cultivation of GI law in India has, from its inception, been shaped more by the imperative of international compliance than by a domestic vision of GIs as engines of rural economic development. The Act's Preamble expressly identifies TRIPS compliance as its primary legislative objective[2]. While the GI Act of 1999 and the accompanying Geographical Indications of Goods (Registration and Protection) Rules, 2002 provide a legally coherent

[1]GI Registry, Annual Report 2023–24 (Office of the Controller General of Patents, Designs and Trade Marks, 2024) 4–8 [hereinafter GI Registry, Annual Report].

[2]Geographical Indications of Goods (Registration and Protection) Act, No. 48 of 1999, pmbl. (India); r. 1(3) (India) [hereinafter GI Act].

registration and protection system that satisfies India's minimum TRIPS obligations, the framework as a whole exhibit what this article terms a pattern of formal adequacy, masking substantive insufficiency. The growth of the GI register over the past two decades has, paradoxically, made this insufficiency more rather than less visible: as the number of registered indications has climbed past six hundred, the absence of corresponding growth in export value, certified market share, or producer income has raised the question of what, precisely, registration is achieving for the communities it is meant to benefit.

1.2 Research Problem

The central problem this article investigates is the persistent and widening gap between the legal recognition of Indian GIs through registration and their realisation as economically valuable assets capable of generating price premiums, securing market protection, and sustaining the livelihoods of the producer communities that depend on them. This gap cannot be attributed to any single deficiency in the law. Rather, it is the product of multiple, interacting structural weaknesses spanning legislation, procedure, infrastructure, enforcement, institutional governance, and policy orientation.

1.3 Research Objective

This article aims to provide a comprehensive, integrated account of the structural deficiencies that collectively constrain the economic performance of India's GI regime. In doing so, it seeks to demonstrate that these deficiencies are not discrete or isolated failings to be addressed piecemeal, but rather an interconnected system of constraints whose cumulative effect is substantially greater than the sum of its individual parts.

1.4 Scope and Methodology

The analysis proceeds through a doctrinal and comparative examination of India's principal GI legislation, subordinate rules, judicial decisions, and policy instruments, read alongside the secondary literature on GI governance in India and other leading GI jurisdictions, particularly the European Union. The article does not attempt an exhaustive empirical assessment of the economic performance of every registered Indian GI; rather, it draws on the available secondary literature concerning representative high-value GIs to illustrate how the structural deficiencies identified manifest in practice, while keeping the focus on the systemic, crosscutting character of those deficiencies rather than on any single product or region.

1.5 Structure of the Article

Following this introduction, Section 2 provides a legal overview of India's GI framework. Section 3 examines legislative and procedural deficiencies. Section 4 addresses infrastructural and enforcement challenges. Section 5 considers institutional and governance deficiencies. Section 6 turns to commercialisation and policy gaps. Section 7 offers a systemic perspective on how these deficiencies interact and compound one another. Section 8 concludes with findings, implications, and recommendations for reform.

2. INDIA'S GEOGRAPHICAL INDICATIONS FRAMEWORK: A LEGAL OVERVIEW

India's legislative framework governing geographical indications represents the foundational architecture upon which the country's entire GI protection system rests. Enacted primarily in response to India's obligations under the TRIPS Agreement, this framework has evolved over two decades since its inception, yet continues to exhibit structural limitations that prevent it from functioning as an effective instrument of economic development for India's GI-rich heritage[3]. This section sets out the principal legislative instruments governing GIs in India, their interrelationships, and the foundational gaps that undermine their collective effectiveness

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

The GI Act constitutes the primary legislative instrument governing GI protection in India. It establishes a sui generis registration and protection system for geographical indications applicable to agricultural, natural, and manufactured goods, including handicrafts and foodstuffs, and was enacted to give effect to Articles 22 to 24 of the TRIPS Agreement[4]. The Act is structured around five principal components: the definition and scope of protectable geographical indications; the registration procedure; the rights conferred by registration; offences, penalties, and enforcement; and the institutional framework for GI administration[5]

[3]Dr. Basavaraj M. Kubakaddi & K.M. Krishna Sekhar Sarma, An Analytical Exposition of India's Geographical Indications Law: From TRIPS Compliance to Socio-Economic Realities 38–42 (2025) Indian J. Integrated Res. L.
[4]GI Act, pmbl. (India); GI Rules r. 1(3) (India).
[5]J. Jyoti Rattan, Geographical Indications Law in India 125–129 (Bharat Law House Pvt. Ltd. 2021) [hereinafter Rattan].

A geographical indication is defined in Section 2(1)(e) of the Act as an indication that identifies goods as originating in a territory, region, or locality, where a particular quality, reputation, or other characteristic of the goods is essentially attributable to that geographical origin[6], a definition broadly consistent with Article 22(1) of TRIPS[7]. The definition nevertheless contains two notable limitations. First, it is expressly confined to goods, excluding geographically distinctive service offerings from protection[8]. Second, it does not expressly address figurative marks or symbols that function as geographical indicators without being geographical names as such, a gap that has generated interpretive difficulties in registration proceedings[9]

Registration is governed by Sections 11 to 21 of the Act, establishing a multi-stage process of application, examination, publication, opposition, and registration. Applications may be filed only by an association of persons, producers, or a statutory organisation representing the interests of producers, reflecting the inherently collective character of GI rights and distinguishing GI registration from individual trademark registration. Applications must include a statement of case explaining the connection between the product and its territory of origin. The Registrar, based at the GI Registry in Chennai, may accept, conditionally accept, or refuse the application; accepted applications are published in the Geographical Indications Journal, inviting opposition within three months[10].

The Act establishes a two-tier system of rights: the registered proprietor (typically the producer association) holds the right to obtain relief for infringement, while authorised users, registered individual producers within the geographical area, hold the right to use the GI on their goods. Both are entitled to relief under Section 22 against misleading use of the indication or unfair competition, and Section 23 provides further protection against the use of a registered indicator even where the genuine origin is also disclosed[11]. Chapter VIII creates criminal offences for false application of a GI, carrying a sentence of between six months and three years and a fine of between fifty thousand and two lakh rupees under Section 38, with enhanced penalties for repeat offenders under Section 39[12]. These penalty levels, while nominally significant, have

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[6]GI Act, § 2(1)(e) (India).
[7]Agreement on Trade-Related Aspects of Intellectual Property Rights art. 22(1), Apr. 15, 1994, 1869 U.N.T.S. 299.
[8]Dev Gangjee, Relocating the Law of Geographical Indications 440–44 (Cambridge Univ. Press 2012) [hereinafter Gangjee].
[9]Rattan, supra note 6, at 128–132.
[10]Gangjee, supra note 9, at 445–49; GI Act §§ 11–14(1) (India).
[11]GI Act §§ 21–24 (India).
[12]GI Act § 38 (India).

been criticised as inadequate deterrents against the scale of commercial benefit available to counterfeiters of high-value GI products[13]

2.2 The GI Rules, 2002

The GI Rules, 2002, enacted under Section 75 of the Act, provide the procedural framework specifying forms, fees, timelines, and procedures for applications, examinations, publications, oppositions, and the registration of authorised users[14]. The Rules have, however, been criticised for creating a registration process that is excessively lengthy, procedurally complex, and inaccessible to small producer groups lacking the legal and administrative capacity to navigate the system without professional assistance[15]. The average time from application to registration has historically been three to five years, a timeline that delays the commencement of formal protection and imposes substantial costs on applicant groups[16]

2.3 India's TRIPS Obligations and the Trade Marks Act, 1999

India's GI framework interacts in significant ways with the Trade Marks Act, 1999[17]. Section 25 of the GI Act forbids the registration of a trademark containing or consisting of a GI in respect of goods not originating in the indicated territory where such use would mislead the public as to true origin, while Section 26 preserves the validity of trademarks applied for or registered in good faith prior to the Act's commencement or before the GI was protected in its country of origin[18]. The relationship between GIs and trademarks has generated significant litigation, most notably the Tea Board of India v. ITC Ltd. proceedings before the Calcutta High Court, which raised complex questions about the interaction between GI rights and registered trademarks and underscored the need for clearer legislative guidance on priority rules[19] a gap that this article identifies as a continuing reform priority[20]

[13]Sneha Lakhotia & Swati Agrawal, Enforcement of Geographical Indications: Legal Framework and Challenges 26–30.
[14]Geographical Indications of Goods (Registration and Protection) Rules, 2002, 32–58 (India) [hereinafter GI Rules].
[15]Kubakaddi & Sarma, supra note 3, at 42–46.
[16]GI Registry, Annual Report, supra note 1, at 24–28.
[17]Trade Marks Act, No. 47 of 1999 (India).
[18]GI Act §§ 25-26 (India).
[19]Tea Board of India v. ITC Ltd., CS No. 250 of 2010, GA No. 1631 of 2011, (2011) 48 PTC 169 (Cal.).
[20]Kumar, supra note 4, at 62–66.

2.4 The National IPR Policy, 2016, and the Cultural-Heritage Orientation

The National IPR Policy, 2016, adopted under the Department for Promotion of Industry and Internal Trade, represents the overarching policy framework within which India's GI legislation operates, articulating seven objectives spanning awareness, generation, legal and legislative framework, administration, commercialisation, enforcement, and human capital development. The Policy's treatment of GIs situates them primarily within the framework of traditional knowledge and cultural heritage protection, emphasising their role in preserving cultural traditions and artisan livelihoods[21]. While legitimate, this orientation's failure to also recognise GIs as commercial intellectual property assets with significant economic development potential has had profound consequences for the design of India's GI framework[22]. The Policy establishes no mechanisms for integrating GIs into industrial incentive schemes, export promotion frameworks, technology transfer policies, or quality standardisation systems[23], a systemic policy gap that prevents India from leveraging its GI portfolio as an instrument of economic development[24].

Taken as a whole, this legislative framework provides a legally coherent registration system that satisfies India's minimum TRIPS obligations, supplemented by ancillary instruments and a broad policy architecture[25]. Yet it exhibits four fundamental deficiencies, examined in the sections that follow: it treats GI protection primarily as a registration exercise rather than a governance system; it lacks mandatory quality standards; its enforcement provisions are inadequate in design and implementation; and it operates in policy isolation from India's broader economic development infrastructure[26]

3. LEGISLATIVE AND PROCEDURAL DEFICIENCIES

The procedural framework governing the registration and administration of GIs constitutes one of the most significant structural weaknesses in India's GI system. While the substantive provisions of the GI Act establish the legal basis for protection, it is the procedural framework

[21]Department for Promotion of Industry and Internal Trade, Government of India, National Intellectual Property Rights Policy paras. 1–7 (2016) [hereinafter National IPR Policy].
[22]Irene Calboli & Ng-Loy Wee Loon eds., Geographical Indications at the Crossroads of Trade, Development, and Culture 155–159 (Cambridge Univ. Press 2017).
[23]National IPR Policy, supra note 22, at paras. 3.4–3.6.
[24]Lakhotia & Agrawal, supra note 14, at 34–38.
[25]Rattan, supra note 6, at 140–144.
[26]Gangjee, supra note 9, at 458–62; Kubakaddi & Sarma, supra note 3, at 50–54.

the application process, examination standards, opposition mechanisms, authorised user registration, and renewal procedures that determines whether legal protection can be practically accessed and maintained by producer communities[27]. These gaps are particularly acute when measured against the procedural best practices observed in the EU and other leading GI jurisdictions.[28]

3.1 Excessive Registration Timelines

The most immediately apparent procedural gap is the excessive length of the registration process, which has historically ranged from three to seven years from filing to grant[29]. This results from several compounding factors: the Registry operates with severely limited human resources relative to application volume, creating significant backlogs[30]; examination under the Rules proceeds sequentially rather than concurrently, a linear design that maximises total processing time; and the opposition procedure, while a necessary safeguard, allows opposition and response periods that are generous to opponents and add substantially to total timeline[31].

The practical consequences for producer communities are severe. During pendency, producers cannot claim the legal rights conferred by registration, leaving them vulnerable to exploitation by competitors[32]. Small producer groups, who form the majority of applicants, frequently cannot sustain the resources required to maintain applications over multi-year processes, leading to abandonment of meritorious applications[33], and the resulting uncertainty discourages investment in product development and market promotion[34]. By contrast, the EU's registration process, while also multi-staged, commits the European Commission to completing its assessment within a defined period[35], and Thailand's GI process similarly operates within defined statutory timelines that create predictability for applicants[36]

3.2 Inadequate Application Requirements and Statement of Case

[27] Rattan, supra note 6, at 145–149.
[28] Kumar, supra note 4, at 72–76.
[29] GI Registry, Annual Report, supra note 1, at 28–32.
[30] Kubakaddi & Sarma, supra note 3, at 54–58.
[31] GI Rules rr. 432-52 (India).
[32] Lakhotia & Agrawal, supra note 14, at 42–46.
[33] Rattan, supra note 6, at 148–152.
[34] Gangjee, supra note 9, at 462–66.
[35] Regulation (EU) No. 1151/2012 of the European Parliament and of the Council of Nov. 21, 2012 on Quality Schemes for Agricultural Products and Foodstuffs, 2012 O.J. (L 343) 1, art. 10 [hereinafter EU GI Regulation].
[36] Geographical Indications Act B.E. 2546, § 22 (2003) (Thail.).

Section 11(2) of the Act requires applicants to submit a statement of case explaining how the product's quality, reputation, or attributes relate to geographical origin[37], but neither the Act nor the Rules prescribe the level of specificity or evidentiary standard required to satisfy examination[38]. This creates uncertainty for applicants and inconsistent examination outcomes[39], and results in registrations granted on the basis of vague product descriptions that provide an inadequate basis for subsequent enforcement, since a vague description makes it difficult to determine whether a competing product falls within or outside the scope of protection[40].

The contrast with the EU's 'cahier des charges' requirement is stark: EU applications must specify the product's physical, chemical, microbiological, and organoleptic characteristics; the precise geographical area; a detailed production method; and a detailed causal link between environment and characteristics[41]. This specificity not only facilitates rigorous examination but creates a robust basis for enforcement and a credible quality standard for certification[42]

3.3 Authorised User Registration: Procedural Barriers and Underutilisation

Under Section 17, individual producers must separately register as authorised users to acquire the right to use a registered GI, a two-tier structure intended to ensure that only genuine producers benefit from protection[43]. In practice, this system has significant deficiencies. Registration requires a separate application with its own fees, forms, and processing requirements, discouraging small-scale producers[44]. The Act provides no mechanism for the collective registration of all eligible producers within a GI region, requiring individual applications and creating substantial administrative costs for producer communities[45], and recurring renewal burdens cause many registrations to lapse[46]. The consequence is that most registered GIs have very few authorised users relative to eligible producers, meaning most entitled producers cannot lawfully use the GI designation and most GI goods sold are

[37]GI Act § 11(2) (India).
[38]GI Rules r. 32 (India).
[39]Kubakaddi & Sarma, supra note 3, at 58–62.
[40]Lakhotia & Agrawal, supra note 14, at 46–50.
[41]EU GI Regulation, art. 7.
[42]Gangjee, supra note 9, at 468–72.
[43]GI Act § 17 (India); Rattan, supra note 6, at 152–156.
[44]GI Rules rr. 53–58 (India).
[45]Kubakaddi & Sarma, supra note 3, at 62–66.
[46]Lakhotia & Agrawal, supra note 14, at 50–54.

technically sold without authorised user status[47] a situation that also undermines enforceability, since enforcement actions may only be brought by registered proprietors or authorised users[48]

3.4 Opposition Procedure: Asymmetric Access and Strategic Misuse

The opposition procedure under Section 14 permits any person to oppose a GI application within three months of publication[49]. While necessary as a safeguard against unjustified registrations, the mechanism exhibits two significant gaps[50]. First, there is an asymmetry of access: large commercial enterprises with substantially greater legal and financial resources can pursue strategic oppositions that impose disproportionate costs on the small producer groups that typically apply for registration[51]. Second, there is no mechanism for filtering frivolous or bad-faith oppositions at an early stage, requiring applicants to respond substantively to all oppositions regardless of merit in contrast to the EU's preliminary admissibility assessment[52]

3.5 Absence of Mandatory Product Specifications and Quality Standards

Perhaps the most consequential procedural gap is the absence of mandatory, legally enforceable product specifications as a condition of registration and maintenance[53]. The statement of case requirement does not mandate a detailed specification incorporating measurable quality parameters[54]. Without enforceable standards, there is no mechanism for ensuring that products sold under a GI designation actually possess the quality characteristics that justify the GI premium, leaving consumers without reliable quality assurance and producers without a credible basis for price premiums[55]; no objective benchmark against which certification bodies can assess compliance, making systematic quality control impossible[56]; and no clear standard

[47]Sunil S. Varnekar & Upankar Chutia, Evaluating the Economic Benefits of GIs in Global Trade: Lessons from Basmati Rice and Darjeeling Tea, Int'l J. Civ. L. & Legal Rsch. 30–34 (2025).
[48]Rattan, supra note 6, at 156–160.
[49]GI Act § 14 (1) (India).
[50]Bernard O'Connor, The Law of Geographical Indications 28–31 (Cameron May Ltd., London, 2004).
[51]Michael Blakeney, The Protection of Geographical Indications: Law and Practice 3–7 (Edward Elgar, 2014).
[52]Irene Calboli & Wee Loon Ng-Loy, Geographical Indications at the Crossroads of Trade, Development, and Culture: Focus on Asia-Pacific 4–6 (Cambridge Univ. Press 2017); WIPO, Intellectual Property Handbook 125–128 (WIPO Pub. No. 489, 2d ed. 2004) [hereinafter WIPO Handbook].
[53]Lisbon Agreement for the Protection of Appellations of Origin and their International Registration, Oct. 31, 1958, 923 U.N.T.S. 205, at 54–58 [hereinafter Lisbon Agreement].
[54]GI Act § 11(2) (India).
[55]WIPO, The Economics of Geographical Indications (WIPO Publication) 36–40 [hereinafter WIPO, Economics].
[56]O'Connor, supra note 51, at 28–31.

against which courts can assess infringement[57]. Kubakaddi and Sarma identify this absence as the single most important procedural gap in India's framework, observing that it transforms GI registration from an instrument of quality assurance into merely a geographical origin label, significantly reducing its economic value and enforcement utility[58]

3.6 Renewal, Maintenance, and Digital Modernisation Gaps

Registration is granted for an initial period of ten years, renewable for further ten-year periods upon payment of the prescribed fee[59]. The renewal procedure requires proprietors to actively initiate renewal before expiry, placing the burden of compliance on producer groups that may lack the administrative capacity to track deadlines, and the Registry provides no systematic advance notification of approaching deadlines[60] a basic administrative service whose absence has reportedly caused several Indian GIs to lapse[61].

Digital modernisation gaps compound these procedural weaknesses. The Registry's online database, while publicly accessible, does not provide comprehensive information on product specifications, authorised user lists, enforcement records, or renewal status[62], online filing is unavailable for all procedural steps, requiring physical filing that imposes disproportionate burdens on producer groups far from Chennai[63], and there is no online tracking of application status[64]. The contrast with the EU's DOOR database, which provides comprehensive, publicly accessible information on all registered GIs, illustrates the scale of India's digital infrastructure gap[65]

4. INFRASTRUCTURAL AND ENFORCEMENT CHALLENGES

Infrastructure, in the GI governance context, refers not merely to physical facilities but to the entire ecosystem of institutional capacity, technical systems, and human expertise that translates legal rights into practical market protection and economic value[66]. India's GI

[57]Gangjee, supra note 9, at 15–18.
[58]Calboli & Ng-Loy, supra note 53, at 4–6.
[59]GI Act § 18 (India).
[60]Id. § 18(2).
[61]Calboli & Ng-Loy, supra note 53, at 4–6.
[62]Gangjee, supra note 9, at 15–18.
[63]GI Rules r. 32(1) (India).
[64]Calboli & Ng-Loy, supra note 53, at 4–6.
[65]European Commission, DOOR Database of Origin and Registration https://ec.europa.eu/agriculture/quality/door accessed 10 May 2026.
[66]FAO & WIPO, GI Value Chains for Rural Development (FAO–WIPO Joint Publication) 64–68 [hereinafter

infrastructure, assessed against this definition, exhibits pervasive deficiencies that directly explain the persistent gap between legal recognition and economic performance[67]

4.1 Institutional Capacity: The GI Registry

The GI Registry, located in Chennai under the Office of the Controller General of Patents, Designs and Trade Marks, constitutes the primary institutional infrastructure for GI administration, responsible for examination, maintaining the Register, administering authorised users, and publishing the GI Journal[68]. With over 600 registered GIs and a continuing flow of new applications, the Registry's staff complement is wholly inadequate to the volume and complexity of its responsibilities, having historically maintained a single examination unit for all applications regardless of the technical complexity of the products involved an institutional design ill-suited to a portfolio spanning agriculture, handicrafts, textiles, foodstuffs, and natural products, each requiring specialised technical knowledge[69].

The Registry's single Chennai facility is geographically remote from the majority of India's GI producer communities, concentrated in states such as Rajasthan, Uttar Pradesh, West Bengal, Tamil Nadu, Karnataka, and the northeastern states[70], imposing significant transaction costs that are particularly prohibitive for small rural producer communities[71]. The absence of regional Registry offices, or at minimum regional facilitation centres with substantive administrative authority, represents a fundamental infrastructural gap, in contrast with the EU's decentralised model in which national competent authorities manage initial application stages[72]

4.2 Certification and Testing Infrastructure

A defining feature of effective GI governance worldwide is robust, independent certification and testing infrastructure that verifies the quality and geographical authenticity of GI products an economic necessity providing credible quality assurance and an enforcement prerequisite distinguishing genuine products from imitations[73]. India lacks a national GI-specific certification infrastructure entirely; certification practice is fragmented, inconsistent, and

FAO & WIPO].
[67]Kubakaddi & Sarma, supra note 3, at 82–86.
[68]GI Registry, Annual Report, supra note 1, at 4–8; GI Act §§ 3–10 (India).
[69]O'Connor, supra note 51, at 11–14.
[70]Rattan, supra note 6, at 172–178.
[71]Lakhotia & Agrawal, supra note 14, at 62–66.
[72]O'Connor, supra note 51, at 11–14; EU GI Regulation, arts. 49–50.
[73]WIPO, Economics, supra note 56, at 40–44; Gangjee, supra note 9, at 15–18.

sector-dependent[74]. For certain high-value GIs, sector bodies provide some certification function the Tea Board administers a logo system for Darjeeling Tea, the Coffee Board supports Coorg Arabica, and APEDA maintains export standards for Basmati Rice[75] but these are exceptions that fall short of comprehensive, independently accredited certification[76]. For the vast majority of India's 600+ registered GIs, particularly handicrafts and textiles, no certification infrastructure exists at all[77]. This certification vacuum prevents producers from commanding credible quality premiums and creates conditions in which counterfeit and substandard goods circulate undetected[78]. Unlike the EU, which requires measurable, objectively testable parameters, India mandates no testing protocols or laboratory accreditation for GI products, reducing certification, where it exists at all, to a largely subjective exercise[79]

4.3 Supply Chain Traceability and Market Inspection

Effective GI protection requires traceability systems verifying the origin and production method of GI products at every stage of the value chain[80]. India lacks any national framework for GI traceability; individual products may have informal, sector-specific arrangements, but these are not mandated, not independently verified, and fall short of international market expectations[81]. The Tea Board's partial progress on electronic tracking for Darjeeling Tea remains insufficiently comprehensive[82], and India has no equivalent of the blockchain-based traceability initiatives now emerging internationally, such as France's system for Bordeaux wines or China's QR-code authentication for Longjing Tea[83]. This absence carries particularly severe consequences in export markets, where international buyers increasingly require documented traceability as a condition of purchase[84].

India's physical market inspection infrastructure is virtually non-existent at the national level: there is no dedicated GI inspection service, no systematic surveillance programme, and no

[74] WIPO Handbook, supra note 53, at 66–72.
[75] APEDA, Annual Report 2023–24 (Agricultural and Processed Food Products Export Development Authority, 2024) 52–56 [hereinafter APEDA, Annual Report]; Tea Board of India, Annual Report 2023–24 28–32 [hereinafter Tea Board, Annual Report].
[76] O'Connor, supra note 51, at 11–14.
[77] Lisbon Agreement, art. 2(1), at 178–182.
[78] Varnekar & Chutia, supra note 48, at 38–44.
[79] Gangjee, supra note 9, at 189–193, art. 7(1)(c); id. at 15–18.
[80] Blakeney, supra note 52, at 245–251.
[81] WIPO Handbook, supra note 53, at 72–76.
[82] S. Ravindran, Case Study on Darjeeling Tea: The Protection of Geographical Indication in India 38–42.
[83] Gangjee, supra note 9, at 15–18.
[84] O'Connor, supra note 51, at 35–39.

trained national network of inspection personnel[85]. Market inspections that do occur are typically reactive rather than proactive[86], and surveys of retail markets in major Indian cities routinely identify counterfeit products falsely labelled as Darjeeling Tea, Kanchipuram Silk, or Kashmiri Pashmina[87], eroding consumer trust and depriving legitimate producers of market share[88]

4.4 Civil Enforcement: Inaccessibility and Inadequacy

Civil enforcement is available to registered proprietors and authorised users through infringement suits before District Courts, with appeals to High Courts[89], with remedies including injunctions, damages or accounts of profit, and delivery up or destruction of infringing goods[90]. Despite the formal availability of these remedies, civil enforcement is characterised by profound inaccessibility for the producer communities that most need it[91]. Litigation costs court fees, legal representation, expert witnesses, and evidence-gathering are prohibitive for the small producer groups that constitute the majority of GI rights holders, and a single infringement suit can cost several lakhs of rupees before accounting for opportunity costs[92]. Case backlogs extend proceedings to several years, during which infringement continues, and even interim injunctions require a level of legal assistance most producer groups cannot afford[93]. Standing to sue is further restricted to registered proprietors and authorised users[94], excluding the many producers entitled to use a GI but unregistered as authorised users due to the procedural barriers described above, so that those most directly harmed by infringement may be legally precluded from seeking civil remedies[95]

4.5 Criminal and Administrative Enforcement

Chapter VIII of the Act establishes criminal offences, but in practice these provisions have been largely ineffective, reflecting both substantive and institutional deficiencies. Substantively, a maximum fine of two lakh rupees is trivially small relative to the profits of

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[85]WIPO Handbook, supra note 53, at 76–80.
[86]O'Connor, supra note 51, at 11–14.
[87]O'Connor, supra note 51, at 35–39.
[88]Blakeney, supra note 52, at 19–23.
[89]GI Act §§ 53–57 (India).
[90]Id. §§ 62–67.
[91]Calboli & Ng-Loy, supra note 53, at 4–6.
[92]Varnekar & Chutia, supra note 48, at 50–56.
[93]Blakeney, supra note 52, at 3–7.
[94]GI Act § 57 (India).
[95]O'Connor, supra note 51, at 11–14.

commercial-scale counterfeiting, and the minimum six-month term provides insufficient deterrence for sophisticated infringers who can absorb criminal risk as a cost of doing business[96]. Institutionally, police personnel have extremely limited awareness of GI rights, GI offences rarely feature in training curricula, and the investigation of such offences requires specialised knowledge of registration, authentication, and supply-chain tracing that most personnel lack[97]. Prosecutorial awareness is similarly limited, with the consequence that GI offences are rarely investigated, more rarely prosecuted, and almost never result in conviction rendering the criminal provisions effectively dead letter across most of the country.

Administrative enforcement is fragmented across agencies with overlapping but poorly coordinated mandates: the GI Registry, FSSAI, the Legal Metrology directorate, state consumer affairs departments, and sector bodies such as APEDA and the Tea Board[98]. None of these agencies carries a specific GI enforcement mandate, maintains a dedicated GI enforcement unit, or systematically monitors the market for infringement[99], an institutional gap identified in this article as among the most critical single reform priorities for India's GI system.

4.6 Border and Online Enforcement

The Customs Act, 1962 empowers customs authorities to detain goods suspected of infringing registered intellectual property rights[100], but these provisions are designed primarily for trademark and copyright enforcement and do not address the particular challenges of assessing geographical origin claims and production method compliance[101]. Customs personnel receive virtually no GI-specific training, and India has not established a GI border recording system comparable to its trademark and copyright equivalents, leaving rights holders without a mechanism for proactively alerting customs to known infringement patterns[102]. The consequences are severe for Indian GIs in export markets, where falsely labelled products undermine India's reputation as a reliable supplier of authentic GI goods[103].

The growth of e-commerce has created a rapidly expanding and largely unaddressed dimension

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[96]Calboli & Ng-Loy, supra note 53, at 4–6.
[97]O'Connor, supra note 51, at 11–14.
[98]APEDA, Annual Report, supra note 76, at 64–68; Tea Board, Annual Report, supra note 76, at 32–36.
[99]Calboli & Ng-Loy, supra note 53, at 4–6.
[100]Customs Act, 1962 (India) § 111.
[101]Calboli & Ng-Loy, supra note 53, at 4–6.
[102]O'Connor, supra note 51, at 11–14.
[103]Ravindran, supra note 83, at 54–60.

of enforcement, with domestic and international platforms increasingly hosting listings that falsely claim GI status[104]. India's GI Act contains no provisions addressing online infringement, leaving rights holders dependent on general civil and criminal mechanisms that are even less suited to fast-moving, cross-jurisdictional, high-volume online infringement[105], and neither the Information Technology Act, 2000 nor the Digital Personal Data Protection Act, 2023 fills this legislative gap[106]. Leading jurisdictions have begun addressing this through marketplace takedown obligations, proactive monitoring, and platform cooperation agreements[107] mechanisms India has yet to develop.

Underlying all of these enforcement deficits is a fundamental deterrence failure: low maximum penalties combined with a low probability of detection, investigation, prosecution, and conviction produce a rational calculus that favours infringement over compliance[108]. Comparative systems address this through higher and minimum penalties, enhanced penalties for repeat and commercial-scale infringers, damages multipliers for wilful infringement, and asset forfeiture provisions mechanisms entirely absent from India's framework[109]. Underlying these structural deficits is a profound lack of awareness among producer communities, consumers, and enforcement personnel alike, producing an access-to-justice deficit that, as Lakhotia and Agrawal observe, renders an enforcement framework accessible only to well-resourced rights holders an enforcement framework in name only for the small-scale producers who constitute the majority of India's GI stakeholders[110]

5. INSTITUTIONAL AND GOVERNANCE DEFICIENCIES

Institutions, government agencies, regulatory bodies, producer organisations, certification authorities, and civil society bodies are the operational actors through which GI law is implemented in practice, and governance determines how effectively they exercise their functions[111]. India's GI system exhibits pervasive institutional and governance gaps that are as fundamental to underperformance as the legislative and procedural deficiencies already

[104]Blakeney, supra note 52, at 3–7.
[105]Gangjee, supra note 9, at 189–193.
[106]Information Technology Act, 2000 (India); Digital Personal Data Protection Act, 2023 (India).
[107]Gangjee, supra note 9, at 15–18.
[108]O'Connor, supra note 51, at 11–14; OECD & EUIPO, Mapping Global Trade in Fakes (2025) 58–64.
[109]Gangjee, supra note 9, at 15–18.
[110]Calboli & Ng-Loy, supra note 53, at 4–6.
[111]FAO & WIPO, supra note 67, at 76–80; Gangjee, supra note 9, at 554–558.

examined[112]

5.1 The GI Registry: Capacity and Governance Deficits

Beyond the capacity constraints noted above, the Registry exhibits governance deficits reflecting broader institutional weaknesses[113]. It operates without a published strategic plan articulating institutional objectives, performance targets, or development priorities, impeding accountability and resource allocation[114]. It does not publish comprehensive performance data examination timelines, opposition statistics, authorised user numbers, enforcement referrals that would enable external stakeholders to assess performance, nor does it maintain systematic engagement with producer communities through consultation mechanisms or advisory committees[115]. Nor does it maintain formal coordination mechanisms with the other agencies whose functions intersect with GI administration APEDA, the Tea Board, the Coffee Board, FSSAI, the Legal Metrology directorate, and state facilitation centres leaving these bodies to operate in institutional silos that fail to share information, coordinate enforcement, or develop coherent national approaches[116]. This institutional fragmentation is a defining characteristic of India's GI governance architecture and a primary contributor to its systemic ineffectiveness[117]

5.2 State-Level Implementation: Potential Unrealised

Several states have established GI facilitation centres, typically housed within industry, commerce, or intellectual property departments, positioned to provide the geographically proximate support that the Chennai-based Registry cannot deliver across India's vast and diverse territory[118]. These centres consistently fail to realise their potential, however. They lack substantive authority able to provide information and application assistance but unable to make binding decisions, conduct formal examinations, or exercise enforcement functions[119]. They are severely under-resourced, typically staffed by one or two officials with limited specialised knowledge and no dedicated budget for promotion or outreach[120], and their quality varies

[112]Kubakaddi & Sarma, supra note 3, at 152–156.
[113]GI Registry, Annual Report, supra note 1, at 20–26; Rattan, supra note 6, at 224–228.
[114]O'Connor, supra note 51, at 11–14.
[115]Calboli & Ng-Loy, supra note 53, at 4–6.
[116]Lakhotia & Agrawal, supra note 14, at 124–130.
[117]Blakeney, supra note 52, at 3–7.
[118]Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods, Apr. 14, 1891, art. 1, 22 U.S.T. 513, 828 U.N.T.S. 312, at 228–234 [hereinafter Madrid Agreement].
[119]O'Connor, supra note 51, at 11–14.
[120]WIPO Handbook, supra note 53, at 130–136.

enormously across states in the absence of national standards for their establishment and functioning. The governance relationship between state centres and the national Registry is poorly defined, with no formal protocols for information sharing, application coordination, or enforcement referral[121], preventing the state network from functioning as an effective extension of national administration[122]

5.3 Producer Organisations: Fragmentation and Institutional Weakness

Producer organisations the associations, cooperatives, and farmer groups that serve as registered proprietors of GIs[123] bear primary responsibility for maintaining registrations, managing authorised user systems, enforcing rights, and representing producer communities[124]. Their institutional capacity is therefore a critical determinant of overall system performance[125]. Yet most Indian GI producer organisations are small, informally structured, and inadequately resourced, lacking the legal capacity, financial resources, technical expertise, and management systems required for effective governance[126]. Many were established specifically for the purpose of registration, often with government encouragement, but have not developed into sustainable institutions capable of ongoing management. Their governance structures are characterised by weak accountability, limited democratic participation, inadequate financial management, and an absence of professional management capacity[127], leaving them vulnerable to internal conflict, leadership disputes, and financial mismanagement institutional failures reflected in disputes such as the Rasgulla GI controversy between West Bengal and Odisha and various handloom misuse cases[128]. The contrast with European producer consortia such as the Consorzio del Parmigiano-Reggiano, the Comité Champagne, and the Consorzio del Prosciutto di Parma well-resourced, professionally managed institutions that actively invest in certification, promotion, and enforcement is stark, and underscores the fundamental governance reform and external support that Indian producer organisations require[129]

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[121]Kumar, supra note 4, at 96–102.
[122]Blakeney, supra note 52, at 3–7.
[123]GI Act § 11(1) (India).
[124]Id. §§ 21–24.
[125]Madrid Agreement, art. 1, at 234–238.
[126]O'Connor, supra note 51, at 11–14.
[127]Varnekar & Chutia, supra note 48, at 62–68.
[128]Banglar Rasogolla v. Odisha Rasagola, GI Registry; Tea Board, 48 PTC at 169.
[129]Bernard O'Connor, The Law of Geographical Indications 225–231 (Sweet & Maxwell, 2004) [hereinafter O'Connor (Sweet & Maxwell)]; Blakeney, supra note 52, at 3–7.

5.4 Export Promotion Bodies: Partial Engagement

India's export promotion councils and sector bodies APEDA, the Tea Board, the Coffee Board, the Spices Board, and various handicraft development corporations possess sector-specific expertise and established international relationships that make them natural institutional partners for GI economic development[130]. Their engagement, however, is partial and inconsistent, focused narrowly on the GI products within their sectoral mandates and lacking systematic integration with the broader GI governance framework[131]. APEDA's engagement with Basmati Rice does not extend to other agricultural GIs[132], and even the Tea Board's relatively developed certification and enforcement arrangements for Darjeeling Tea fall short of a comprehensive governance model[133]. The absence of a coordinating mechanism integrating these bodies' GI-related activities into a coherent national strategy means their resources are deployed in fragmented, sometimes duplicative ways that significantly reduce their collective contribution to GI economic development[134]

5.5 The Absence of a National GI Authority

The most fundamental institutional gap in India's governance architecture is the absence of a dedicated national GI authority a single institutional body with comprehensive responsibility for registration, certification, enforcement coordination, market development, and international engagement[135]. Comparative analysis of the most effective GI governance systems worldwide shows that they are characterised by institutional clarity: a clearly designated authority with adequate resources and effective coordination mechanisms[136]. India's current architecture instead distributes GI governance responsibilities across the Registry, DPIIT, APEDA, sector boards, state facilitation centres, and producer organisations, without a coordinating authority exercising overall strategic leadership[137]. This fragmentation produces precisely the coordination failures, policy inconsistencies, and enforcement gaps documented throughout this article failures that cannot be effectively addressed without fundamental institutional

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[130]APEDA, Annual Report, supra note 76, at 68–74.
[131]WIPO Handbook, supra note 53, at 136–140.
[132]GI Act pmbl. & § 2 (India).
[133]Tea Board, Annual Report, supra note 76, at 36–40.
[134]O'Connor, supra note 51, at 11–14.
[135]Blakeney, supra note 52, at 3–7.
[136]Irene Calboli & Daniel Gervais (eds.), Geographical Indications at the Crossroads (Cambridge Univ. Press, 2017) 162–166.
[137]National IPR Policy, supra note 22, at para. 3.4.

reform[138]. The establishment of a national GI authority with a statutory mandate spanning registration administration, certification standards, enforcement coordination, market development, and international engagement is identified in this article as the single most important institutional reform available to India's GI system[139]

5.6 Governance of Collective Rights and Centre-State Coordination

A distinctive governance challenge arises from the collective nature of GI rights the fact that GIs are owned and managed by communities of producers rather than individual enterprises, creating inherent challenges of coordination, decision-making, and benefit sharing that are compounded by the social, economic, and political diversity of Indian producer communities[140]. The Act designates producer associations as registered proprietors but prescribes no governance standards for them, leaving membership criteria, decision-making procedures, benefit distribution, quality control authority, and enforcement responsibility entirely to each association's internal rules[141]. This governance vacuum is particularly consequential for benefit sharing: without mandatory mechanisms, the economic returns from GI commercialisation may be captured by a small number of larger or better-connected producers, failing to deliver the broad-based rural development outcomes that GI protection is designed to generate[142]

India's federal constitutional structure compounds these challenges, since many functions most relevant to GI governance agriculture, handicrafts, consumer protection, and police fall within state rather than central competence[143]. The absence of formal centre-state coordination mechanisms means that state agricultural departments, handicraft corporations, and consumer protection agencies often the primary points of contact for producer communities are not systematically integrated into the national GI governance framework, leaving their potential contributions to certification, surveillance, and enforcement largely unrealised[144]

Finally, India's GI governance institutions exhibit significant accountability and transparency

[138]O'Connor, supra note 51, at 11–14.
[139]Madrid Agreement, art. 1, at 238–242.
[140]Dwijen Rangnekar, The Socio-Economics of Geographical Indications, UNCTAD-ICTSD Issue Paper No. 8, at 44–48 (2004).
[141]GI Act §§ 11–24 (India).
[142]Calboli & Ng-Loy Wee Loon, supra note 23, at 1–5.
[143]Constitution of India, 1950, Seventh Schedule, Lists I, II and III.
[144]WIPO Handbook, supra note 53, at 140-146.

deficits: the Registry publishes no comprehensive performance data, conducts no systematic stakeholder consultation, and is not subject to sector-specific external oversight[145]; producer organisations face no governance standards or reporting requirements ensuring accountability to their members[146]; and the system as a whole lacks any mechanism for systematic evaluation of its performance against defined objectives, making it impossible to identify what is working, what is failing, and what reforms are most urgently needed[147]

6. COMMERCIALISATION AND POLICY GAPS

Recognition and policy-level gaps reflect the most foundational, yet least examined, category of deficiency in India's GI system: the failure of India's policy architecture to correctly classify and respond to geographical indications as the category of intellectual property and economic asset that they are[148]. This foundational misrecognition treating GIs as cultural heritage assets rather than commercial intellectual property with significant economic development potential permeates India's entire GI governance framework and explains why operational reforms alone cannot bridge the gap between legal protection and economic value[149]

6.1 The Cultural Asset Paradigm: Origins and Consequences

India's treatment of GIs as cultural rather than commercial assets is not accidental, but reflects a deliberate policy orientation rooted in the political economy of India's intellectual property governance[150]. The primary legislative motivation behind the 1999 Act was TRIPS compliance rather than the proactive development of GIs as economic assets[151], a compliance-driven orientation that prioritised legal recognition over economic development, cultural preservation over commercial exploitation, and registration over governance[152]. The National IPR Policy 2016 consolidated this orientation, situating GIs explicitly within traditional knowledge and cultural heritage protection and articulating no objectives for GI commercial development, export expansion, industrial quality integration, or technology transfer[153]. The consequences are pervasive: at the legislative level, a GI Act that provides legal protection without economic

[145]Calboli & Ng-Loy, supra note 53, at 4–6.
[146]O'Connor, supra note 51, at 11–14.
[147]Rangnekar, supra note 141, at 6–9.
[148]Gangjee, supra note 9, at 590–594.
[149]Kubakaddi & Sarma, supra note 3, at 188–192.
[150]Rattan, supra note 6, at 250–254.
[151]GI Act pmbl. (India).
[152]Blakeney, supra note 52, at 3–7.
[153]National IPR Policy, supra note 22, at paras. 3.4–3.6.

development infrastructure[154]; at the institutional level, a Registry focused on registration rather than governance and development[155]; and at the market level, a system generating growing numbers of registered GIs without commensurate economic value for producer communities.

6.2 Exclusion from Industrial Policy and Export Promotion Frameworks

One of the most economically consequential manifestations of this recognition gap is the systematic exclusion of GIs from India's industrial policy and incentive frameworks[156]. Production Linked Incentive schemes, MSME development programmes, and technology transfer initiatives are designed to support organised manufacturing units and specific product lines a design fundamentally incompatible with the collective, community-based nature of GI production[157]. GI producer communities, typically small-scale, geographically dispersed, and organised through informal cooperative structures, do not meet PLI eligibility criteria and therefore cannot access substantial incentive funding[158]. Technology transfer programmes are similarly designed for formal industry rather than community-based producers, lacking GI-specific pathways that would let producers benefit from technological improvement while maintaining the traditional production characteristics that define their GI status[159].

India's export promotion architecture the Merchandise Exports from India Scheme, the Export Promotion Capital Goods scheme, the Market Access Initiative, and the Export Promotion Councils represents substantial institutional and financial infrastructure that GI products should, in principle, be priority beneficiaries of, yet most GIs are excluded from integrated export promotion planning[160]. The export support infrastructure that does exist is sector-specific and partial, leaving the hundreds of Indian GIs outside the mandates of APEDA, the Tea Board, the Coffee Board, and the Spices Board including most handicraft and textile GIs without dedicated export promotion mechanisms, forced to compete internationally without market intelligence, buyer relationship support, or promotional funding[161]. As Varnekar and

[154]GI Act §§ 1–75 (India).
[155]GI Registry, Annual Report, supra note 1, at 30–34.
[156]Lakhotia & Agrawal, supra note 14, at 150–156.
[157]Ministry of Commerce and Industry, Government of India, Production Linked Incentive Schemes: Overview (DPIIT, 2022) 4–8.
[158]Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications art. 2, May 20, 2015, WIPO Lex No. TRT/LISBON/009, at 8–14.
[159]FAO & WIPO, supra note 67, at 84–90.
[160]Ministry of Commerce and Industry, Government of India, Foreign Trade Policy 2023 (DGFT, 2023) 18–24.
[161]APEDA, Annual Report, supra note 76, at 74–78.

Chutia document, even India's most internationally recognised GIs Darjeeling Tea and Basmati Rice fail to capture their full available export price premiums due to the absence of comprehensive export promotion infrastructure and internationally credible certification systems[162]

6.3 Absence of Quality Standards Integration and Branding Support

A fundamental policy-level gap is the absence of integration between GI protection and India's quality standards infrastructure product specifications, testing protocols, certification requirements, and conformity assessment procedures that are essential prerequisites for GI economic value generation[163]. The Bureau of Indian Standards maintains no GI-specific product standards, treating GI products under the same general standards applicable to all producers of a product category regardless of geographical origin or production method[164], and FSSAI's food safety standards similarly fail to incorporate GI-specific quality parameters, preventing GI food products from benefiting from FSSAI certification as a market quality signal[165]. The failure here is conceptual as much as technical: India's quality standards framework has not incorporated the GI concept itself, meaning GI products cannot benefit from the credibility of established certification infrastructure, and the quality-based market differentiation through which GIs generate economic value remains unavailable to most Indian producers[166]

The National IPR Policy's treatment of GIs is itself internally inconsistent with its treatment of other IP categories. For patents, the Policy promotes innovation, technology transfer, and commercialisation; for trademarks, brand development and commercial market positioning; for GIs, by contrast, the Policy articulates objectives of cultural preservation, traditional knowledge protection, and rural livelihood support characterisations that do not encompass the commercial development potential the Policy recognises for other IP categories[167]. This misalignment has direct operational consequences: implementing agencies approach GI development with a cultural preservation mindset rather than a commercial development mindset, GIs do not benefit from the commercialisation and market development assistance the

[162]Varnekar & Chutia, supra note 48, at 70–78.
[163]Kumar, supra note 4, at 110–114.
[164]Bureau of Indian Standards, Annual Report 2023–24 (BIS, 2024) 28–34.
[165]Food Safety and Standards Authority of India, Annual Report 2023–24 (FSSAI, 2024) 42–46.
[166]Blakeney, supra note 52, at 3–7.
[167]Id. at para. 3.1–3.4; Lisbon Agreement, supra note 54, at para. 3.4.

Policy provides for patents and trademarks, and GI performance is measured against cultural metrics registration numbers, heritage preservation rather than economic metrics such as export value, price premiums, or producer income growth[168]

6.4 Trade Policy and the Absence of a National GI Development Strategy

India's international trade policy its negotiating positions in the WTO, its bilateral and regional free trade agreement negotiations, and its export promotion strategies does not systematically incorporate GI protection as a strategic objective[169]. While India has advocated for extending TRIPS Article 23-level protection to agricultural products in WTO forums, this advocacy has not been supported by a coherent bilateral GI recognition strategy that would secure practical protection for Indian GIs in key export markets through trade agreement GI chapters[170]. The ongoing India–EU Free Trade Agreement negotiations illustrate this asymmetry: while the EU has consistently prioritised GI chapter negotiations to secure recognition of European GIs in Indian markets, India has not reciprocated with an equally proactive strategy for Indian GIs in EU markets. Kumar's comparative analysis identifies the absence of GI protection from India's core trade policy objectives as the primary explanation for the gap between India's registration numbers and its GI international market performance, concluding that India cannot realise its export potential without a fundamental reorientation of trade policy to treat GI recognition as a strategic negotiating objective[171]

Compounding this is the absence of a national GI development strategy a comprehensive, government-endorsed framework articulating clear economic objectives, identifying priority GIs for intensive development support, allocating dedicated resources for governance infrastructure, and establishing accountability mechanisms for economic performance[172]. The government has set an ambitious target of expanding the GI registry to 10,000 products by 2030, but has articulated no corresponding economic performance targets[173], meaning the government's GI ambitions are measured exclusively in registration numbers rather than

[168]O'Connor, supra note 51, at 11–14; Calboli & Ng-Loy, supra note 53, at 22–25.
[169]O'Connor (Sweet & Maxwell), supra note 130, at 41–45.
[170]WTO, Communication from India on the Extension of the Higher Level of Protection for Geographical Indications, IP/C/W/196 (2000) 4–8.
[171]O'Connor (Sweet & Maxwell), supra note 130, at 41–45.
[172]Blakeney, supra note 52, at 3–7.
[173]DPIIT, GI Registry Expansion Target 2030 (Government of India, 2023) 2–4.

economic outcomes that bear meaningfully on producer livelihoods[174]

This policy disconnect extends to rural development. India's rural development programmes the Pradhan Mantri Grameen Vikas Yojana, the Mahatma Gandhi National Rural Employment Guarantee Scheme, the National Rural Livelihood Mission, and various artisan and handicraft programmes represent substantial government investment in rural communities, yet integration between GI policy and rural development policy is minimal and unsystematic[175]. Rural programmes targeting artisan and handicraft communities, and agricultural programmes supporting farmers producing GI crops, do not systematically incorporate GI registration, governance, and market development as components of their support frameworks[176], a disconnect that the FAO-WIPO Joint Publication identifies as inconsistent with the integration that characterises successful GI systems in developing countries[177]

6.5 From Cultural Preservation to Commercialisation

These gaps collectively reflect the dominance of the cultural asset paradigm over what this article terms the commercialisation paradigm the recognition of GIs as intellectual property assets with significant commercial potential that can be realised without compromising cultural integrity or producer exclusivity[178]. The commercialisation paradigm does not require abandoning the cultural preservation objectives that have historically motivated India's GI policy; rather, it recognises that cultural preservation and commercial development are complementary, not competing, objectives[179]. India's most culturally significant GIs Darjeeling Tea, Kanchipuram Silk, Basmati Rice are also its most commercially valuable, and their cultural significance is best preserved and transmitted through the economic sustainability of the producer communities that maintain them[180]. A GI system that generates sufficient economic returns to sustain producer communities in continuing their traditional production methods achieves cultural preservation more effectively than one that protects cultural heritage in the abstract while failing to deliver the economic sustainability that makes cultural continuity

[174]Calboli & Ng-Loy, supra note 53, at 4–6.
[175]Ministry of Rural Development, Government of India, Annual Report 2023–24 (MoRD, 2024) 18–24.
[176]Latha R. Nair & Rajendra Kumar, Geographical Indications: A Search for Identity 42–46 (2005) [hereinafter Nair & Kumar]; Ravindran, supra note 83, at 58–62.
[177]O'Connor, supra note 51, at 35–39.
[178]Gangjee, supra note 9, at 15–18.
[179]Blakeney, supra note 52, at 3–7.
[180]Nair & Kumar, supra note 177, at 42–46.

possible[181]

7. STRUCTURAL DEFICIENCIES: A SYSTEMIC PERSPECTIVE

The deficiencies documented in Sections 3 through 6 do not operate independently. They interact and compound one another in ways that produce a systemic failure of India's GI protection framework significantly greater than the sum of its individual parts. Legislative, procedural, infrastructural, enforcement, institutional, and policy-level gaps interact in a mutually reinforcing manner that prevents GI registration from translating into effective market protection, quality assurance, commercial development, and sustainable economic value creation[182]. The challenges confronting Indian GIs cannot, therefore, be attributed to any single deficiency; they stem from the cumulative effect of multiple structural shortcomings that undermine the ability of registered GIs to function as high-value economic assets despite the availability of formal legal protection[183]

This interaction can be traced as a chain of causation running through the entire system. Legislative weaknesses increase procedural inefficiencies: the absence of mandatory product specifications under the GI Act (Section 3.5) leaves the Rules without a clear evidentiary standard to apply at examination, which is precisely why the registration process is sequential, discretionary, and unpredictable rather than concurrent and rule-bound (Section 3.1). A statute that does not define what a satisfactory statement of case looks like cannot be implemented through rules that specify how quickly such a statement should be assessed.

Procedural barriers, in turn, discourage producer participation. The three-to-seven-year registration timeline, the absence of collective authorised-user registration, and the recurring administrative burden of renewal (Sections 3.1, 3.3, and 3.6) are not abstract inefficiencies; they are concrete disincentives that cause small producer groups, lacking the financial and administrative capacity to sustain multi-year engagement with the Registry, to abandon applications, decline to register as authorised users, or allow registrations to lapse. The consequence is that the GI register comes to contain large numbers of GIs with very few authorised users registrations that are legally valid but practically unpopulated by the producers they were meant to empower.

[181]O'Connor, supra note 51, at 35–39.
[182]O'Connor, supra note 51, at 11–14.
[183]Blakeney, supra note 52, at 3–7; 15-18.

This thin base of authorised users in turn weakens institutions. Producer organisations that cannot mobilise their own eligible members into authorised-user status cannot present themselves to the GI Registry, to certification bodies, or to courts as representative of a coherent producer constituency. The institutional weaknesses documented in Section 5 fragmented, informally structured, under-resourced producer associations are partly an effect of the procedural weaknesses in Section 3: an organisation built around a registration process that most of its potential members cannot practically join will struggle to develop the governance capacity, financial base, and accountability mechanisms that effective GI management requires.

Weak institutions, in turn, undermine enforcement. Standing to sue under the GI Act is restricted to registered proprietors and authorised users (Section 4.4); where producer organisations are weak and authorised-user rolls are thin, the very people most directly harmed by infringement may be legally precluded from seeking civil remedies. The absence of a dedicated national GI authority (Section 5.5) means there is no institutional actor with both the mandate and the resources to pursue enforcement on behalf of producer communities that cannot litigate on their own behalf. Civil, criminal, administrative, border, and online enforcement (Section 4.4–4.6) are each, individually, formally available; but each depends on an institutional actor with the capacity, motivation, and standing to invoke it capacity that the governance gaps in Section 5 systematically deny to the communities the law is meant to protect.

Poor enforcement, predictably, reduces market confidence. Where counterfeit Darjeeling Tea, Kanchipuram Silk, or Kashmiri Pashmina circulate undetected in retail and wholesale markets (Section 4.3), and where neither domestic consumers nor international buyers can rely on certification or traceability systems to verify authenticity (Section 4.2–4.3), the price premium that GI status is supposed to generate cannot be sustained. Buyers cannot distinguish genuine GI products from imitations, so they are unwilling to pay a premium for either, and the economic incentive for producers to invest in quality, certification, and compliance with GI standards correspondingly weakens.

Limited commercialisation, in turn, diminishes economic returns, which closes the loop back to the legislative and policy level. Because the National IPR Policy and India’s industrial, export, and quality-standards frameworks treat GIs as cultural heritage assets rather than commercial property (Section 6), GIs are excluded from the PLI schemes, technology transfer programmes, and export promotion infrastructure that might otherwise compensate for weak market confidence by injecting resources, expertise, and promotional support into GI value chains. Without this compensating investment, the diminished economic returns produced by weak enforcement and absent certification are not offset by any other mechanism, and the GI system's aggregate economic performance continues to lag far behind its registration numbers.

Finally, policy fragmentation perpetuates systemic failure by removing the very mechanism that might otherwise interrupt this cycle. A system with a national GI authority, a national GI development strategy, and integrated accountability and performance metrics (Sections 5.5 and 6.4) would be capable of identifying where in this chain of causation the most urgent intervention is required and directing resources accordingly. India's current architecture, fragmented across the Registry, DPIIT, sector boards, state facilitation centres, and producer organisations, with no single body responsible for the system's overall economic performance, has no comparable capacity for self-correction. Each agency optimises for its own narrow mandate registration numbers for the Registry, sector-specific certification for APEDA and the Tea Board, cultural preservation for DPIIT and no agency is accountable for the gap between legal recognition and economic value that is the central finding of this article.

This analysis directly addresses the structural inquiry that motivates this article and confirms the conclusion that India's GI regime remains largely confined to cultural recognition rather than economic development. Weak enforcement mechanisms, procedural and infrastructural constraints, institutional limitations, and inadequate policy integration collectively impede the realisation of TRIPS-consistent protection and the commercial potential of Indian GIs[184]. The interconnected character of these deficiencies carries an important implication for reform: because each gap reinforces the others, isolated reforms targeting a single dimension a faster registration timeline alone, or a single new enforcement agency alone are unlikely to produce durable improvement unless accompanied by coordinated reform across legislation, procedure, infrastructure, enforcement, institutions, and policy simultaneously.

8. CONCLUSION

8.1 Principal Findings

[184]Calboli & Ng-Loy Wee Loon, supra note 23, at 18–22.

This article has examined six interconnected categories of structural deficiency in India's geographical indications framework. Legislatively, the GI Act and Rules provide formally adequate but substantively insufficient protection, lacking mandatory product specifications, a clear standard of evidentiary specificity for the statement of case, and clear priority rules governing the interface between GI rights and registered trademarks. Procedurally, registration timelines of three to seven years, an underutilised authorised-user system, an opposition mechanism vulnerable to strategic misuse, and unresolved digital modernisation gaps render the registration system inaccessible to the small producer groups that constitute the majority of GI applicants. Infrastructurally, the near-total absence of national certification, testing, traceability, and market-inspection systems means that GI registration confers a legal label without a corresponding mechanism for verifying or enforcing the quality claims that justify a GI premium. In enforcement, civil remedies are inaccessible on grounds of cost and delay, criminal provisions are nominal and rarely invoked, administrative enforcement is fragmented across agencies with no dedicated GI mandate, and border and online enforcement remain substantially undeveloped. Institutionally, the absence of a national GI authority, the limited authority of state facilitation centres, the structural weakness of most producer organisations, and the partial engagement of sector export bodies leave GI governance without a coordinating centre of institutional gravity. And at the level of policy, the persistence of a cultural-asset paradigm exemplified by the National IPR Policy's treatment of GIs as heritage assets rather than commercial property has excluded GIs from India's industrial incentive schemes, export promotion frameworks, quality standards infrastructure, and international trade negotiating strategy.

As Section 7 demonstrates, these deficiencies are not discrete failings susceptible to isolated correction. They form an interconnected system in which legislative ambiguity drives procedural inefficiency, procedural inefficiency discourages producer participation, weak participation produces weak institutions, weak institutions cannot enforce rights, weak enforcement erodes market confidence, eroded market confidence limits commercial returns, and limited commercial returns reinforce the policy-level assumption that GIs are primarily cultural rather than economic assets closing the loop back to the legislative starting point. This systemic character is the article's central analytical contribution and the principal reason why India's expanding GI register has not produced commensurate economic benefit for the country's producer communities.

8.2 Implications for India's GI Framework

The implications of this analysis are significant for how India's GI system should be understood and reformed. The continued expansion of the GI register including the government's stated ambition of reaching 10,000 registered products by 2030 cannot, on its own, be treated as evidence of progress if registration continues to proceed without the accompanying governance infrastructure necessary to convert legal recognition into market protection and producer income. Registration numbers and economic performance are not proxies for one another; treating them as such risks entrenching precisely the policy misdiagnosis this article has sought to identify. A meaningful assessment of the GI system's performance must instead be conducted against economic metrics export value, sustained price premiums, and producer income growth rather than against the number of entries in the Geographical Indications Journal.

8.3 Policy Recommendations

Several reform priorities follow directly from the analysis above. First, the GI Act and Rules should be amended to require a detailed, EU-style product specification, comparable to the cahier des charges, as a mandatory condition of registration and renewal, supported by accredited testing and certification infrastructure. Second, the registration process should be redesigned around defined statutory timelines, concurrent rather than sequential examination stages, and a preliminary admissibility filter for oppositions, alongside a simplified, collective mechanism for authorised-user registration that does not require each eligible producer to apply individually. Third, a dedicated national GI authority should be established with a statutory mandate spanning registration administration, certification standards, enforcement coordination, market development, and international engagement, supported by regional offices that reduce the transaction costs currently imposed on producer communities distant from Chennai. Fourth, GI-specific enforcement capacity should be developed within customs, police, and consumer protection agencies, accompanied by enhanced civil and criminal penalties calibrated to the scale of commercial-scale counterfeiting and by specific legislative provisions addressing online marketplace infringement. Fifth, and most fundamentally, the National IPR Policy and India's industrial, export promotion, and quality-standards frameworks should be revised to recognise GIs as commercial intellectual property assets with significant economic development potential, integrated into PLI-style incentive mechanisms adapted to collective producer structures, into a coherent national GI export promotion strategy, and into India's bilateral and multilateral trade negotiating positions.

8.4 Future Research

The analysis presented here is necessarily structural and doctrinal in character. It would benefit from being tested against detailed case studies of individual GIs particularly high-value GIs such as Darjeeling Tea and Basmati Rice, where partial sector-specific governance arrangements already exist and might illuminate what a more comprehensive national framework could look like in practice. Future research might also usefully quantify the economic gap this article has identified qualitatively: comparing the price premiums realised by Indian GIs against comparable European or other Asian GIs, and tracing how much of any such gap is attributable to each of the six categories of deficiency examined here. Finally, given the centrality of producer-organisation governance to the entire system's performance, closer empirical study of how Indian producer cooperatives are structured, financed, and governed and what specific reforms might enable them to approach the institutional capacity of bodies such as the Consorzio del Parmigiano-Reggiano would directly inform the institutional reform agenda this article has proposed.

Ultimately, the transition from a registration-centred model to a coordinated, commercially oriented governance framework one that integrates cultural and legal protection with institutional capacity, effective enforcement, quality assurance, and strategic market development is not merely a technical reform agenda. It is the precondition for India's geographical indications to function as what they are capable of being: durable instruments of rural economic development that simultaneously safeguard the cultural identity and traditional knowledge embedded in India's most distinctive regional products.