

Pattern of Geographical Indication in India

Shreya Nupur, Kumari Youkta

¹ Research Scholar, Department of Humanities and Social Sciences, Indian Institute of Technology Patna, Bihar, India, Email: Nupur.shreya13@gmail.com (Corresponding Author)

¹ Research Scholar, Department of Humanities and Social Sciences, Indian Institute of Technology Patna, Bihar, India, Email: ysyoukta18@gmail.com

Abstract: A milestone reached when WTO granted goods to retain its essence of land by allowing attaching a geographical indication to goods having specialty from the place of origin. Geographical indication is a symbol used for products having a specific geographical origin and possess qualities of that origin. It has emerged as a significant form of Intellectual Property Right in Indian context over the recent past. This right empowers the community (as it is community right) who have the privilege to utilize the sign to prevent its use by outsiders and can appropriate the economic and social gains for community development. This paper has tried to analyze the pattern of Geographical Indication in India using secondary data sources such as, Geographical Indication registry office, WTO, WIPO, Books, Newspaper, journal of intellectual property rights etc. by using simple arithmetic tools such as pie chart, histogram, graphical presentation etc. The main motivation behind this study is to examine how India has appropriated the opportunity of Geographical Indication over time as this study projects the current and future movement of Geographical Indication through trend analysis which in turn will help policy makers to formulate better decision making.

Key Words: Geographical Indication, Pattern, TRIPS agreement, WTO, Appropriated.

1. INTRODUCTION:

In recent years, the role of Intellectual property rights is well accepted at national as well as international level. Thus there is well structured system of laws to protect the rights of human creation. These rights collectively known as Intellectual property rights and it covered seven categories namely, copyright, Patents, trademarks, Geographical Indication, Industrial designs, trade secrets and integrated circuits. The agreement on trade related aspects of intellectual property rights (TRIPS) was the first way towards proper Intellectual property protection. In 1994, when negotiations were taking place on the WTO TRIPS, governments of all WTO member countries (164 countries, as of August 2016) agreed upon setting certain basic standards for the protection of GIs in all the member countries. Two basic obligations relating to GIs on the member countries of WTO in the TRIPS agreement are:

- **Article 22 of the TRIPS Agreement** says that all governments must provide legal opportunities in their own laws for the owner of a GI registered in that country to prevent the use of marks that mislead the public as to the geographical origin of the good. This includes prevention of use of a geographical name which although literally true "falsely represents" that the product comes from somewhere else.
- **Article 23 of the TRIPS Agreement** says that all governments must provide the owners of GI the right, under their laws, to prevent the use of a geographical indication identifying wines not originating in the place indicated by the geographical indication. This applies *even where the public is not being misled*, where there is no unfair competition and where the true origin of the good is indicated or the geographical indication is accompanied by expressions such as "kind", "type", "style", "imitation" or the like. Similar protection must be given to geographical indications identifying spirits.

According to WIPO, ‘ a GI is a sign used on products that have specific geographical origin and possess qualities or a reputation that are due to that origin’.

Geographical Indication Act was passed in Dec. 1999 by Parliament of India. This came into force on 15th September, 2003, for the registration and protection of special goods of different geographical location in India. The controller of patent and trademark is the governing body of registrar of Geographical Indication which is located in Chennai. GI is collective right of the community, any association of persons, producers, organization or authority established by or under the law can apply for GI. In India a GI may initially be registered for a period of ten years, and it can be renewed from time to time for further periods of 10 years. Majority of people in India belong to the weaker and more vulnerable sections of society. This vast number of skilled creators of product has immense brand recognition and goodwill build over generation. GI registration helps to establish the exclusiveness to stand out, and provide a distinct edge over the other range of product in the market.

India, rich in genetic resources and traditional knowledge, which is valued across the world at large. Also, as India has liberalized the importance of IP has increased. The violation of mark **basmati** by **RICETECH** Company of America highlights the lack of effective machinery in India for protecting GI. The proper and effective protection of Intellectual Property Rights has become very essential in the globalization era.

Till the end of March 2019, a total of 344 products have been registered and 301 is in line. Under the GI product which include agriculture products, Handicrafts, Manufacturing and Textiles. Till now there was not much focus on recent trend but now there is need to focus on recent trend of GI which can be very helpful to formulate policy framework as GI tag helps in promoting economic prosperity of rural development in India. Rest of the paper is organized as: Section 2 describes the background literature, Section 3 introduces with the data sources and methodology applied, Section 4 deals with the status of GI in India and finally Section 5 consists of concluding remarks.

2. LITERATURE REVIEW:

Lots of studies has been done dealing with the issues like challenges being faced by GI and its impact on handicraft industry, agricultural industry etc. In similar lines, a study by Das, 2010, shows that India is having a large number of product that could qualify as Geographical Indication. Rural producers do not bother to challenge infringement of GI and also they do not take interest in getting themselves registered as an authorized user because of its nature of collective right.

Mostly Indian GIs are linked to culture and lives of common people, India is having a considerable scope for building brand image of such products by highlighting the cultural aspects associated with them, for this, branding, marketing and promotion plays an important role (Singh and Aggarwal). Currently, in India, Karnataka is having the maximum number of registered GI products (Sharma, 2019). Another study by Chaturvedi, 2002, talks about recent European proposal of enhancing the convergence of interest regarding challenges of GI between European Union. The acceptance of GI is growing day by day such that it has widened the concept and apart from agricultural products, industrial goods are also being included. But, for India it is a recent emergence (Vivien, 2008). Due to lack of awareness and weak functioning many products have not got registered in India even though they have international recognition (Das, 2006). Since India is an agriculture based economy, It is important to develop agriculture by increasing the competitiveness of agricultural product using GI mechanism. The scenario of promoting GI may indirectly contribute to agricultural development. GI strategy become a tool to ensure the development of agriculture in Indonesia by increasing its productivity, creating employment, increasing the income of farmers and producers (Mas rehmah, 2017). GI has a positive spill over impact over tourism and gastronomy, it promotes local employment and helps in income generation (Vats, 2016) it may also lead to welfare gains (Carlo et al. , 2008).

“GIs support and protect local production (as opposed to global production), generate local employment and are mostly untouched by industrialization, originating in villages or small towns. Since consistent quality is a must in GI-branded goods, and often cements itself as a consumer recollection point, producers are expected to diligently follow specific production methods. Champagne, cognac and Parma ham are some European names that started humble lives decades ago and became the icons that they are today owing to such quality control and perseverance. Many European GIs have also successfully built up ancillary industries like tourism and lodging in the respective regions, enabling visitors to get a first-hand experience of the manufacturing process and absorb the history thereof. Such ancillary industries also create local employment and aid in the socio-economic development of the region in the long run”. The Hindu, 2017.

A study on Banarasi brocade by Shruti Goel, 2016, Geographical indication is an asset to people around the world especially for the poor craftsmen who put in their best efforts to maintain quality that is known and retained worldwide. A GI tag is an essential component to maintain and retain the essence and originality of a product of certain features and characteristics. It is important to spread awareness regarding the importance and protection of GI so that interested parties come forward to register GIs as much as possible and help the country to fight with piracy of GIs. Absence of strong mechanism for the protection of GIs may spoil the monetary benefits attached with such products (Manjunatha, 2016). There are no such provisions within the GI Act to ensure that the traits as required under the Act for the initial registration like quality, reputation and characteristics, are maintained post-registration. So there is need to take measures after registration of GI as well. A reputed brand reduces consumers’ search cost. Protection of GI protects consumers from deception and prevents counterfeiting and imitation.

Most of the studies are dealing with the problems associated with GI registration in India but very few literatures are presenting the trends related aspect of GI products. Trend analysis of GI product will highlight the composition of GI products in India, which products are high in demand, which states are lacking in registration of GI product etc. Since India is historically vibrant and famous traditions, analysis of trend will help to increase the gain from GI goods by building strong GI culture in India. With this motivation this study has tried to explore the current scenario of GI in India by emphasizing on year wise and state wise distribution of GI registered products, number of applications over the year and also the status of those applications during the period 2003-19.

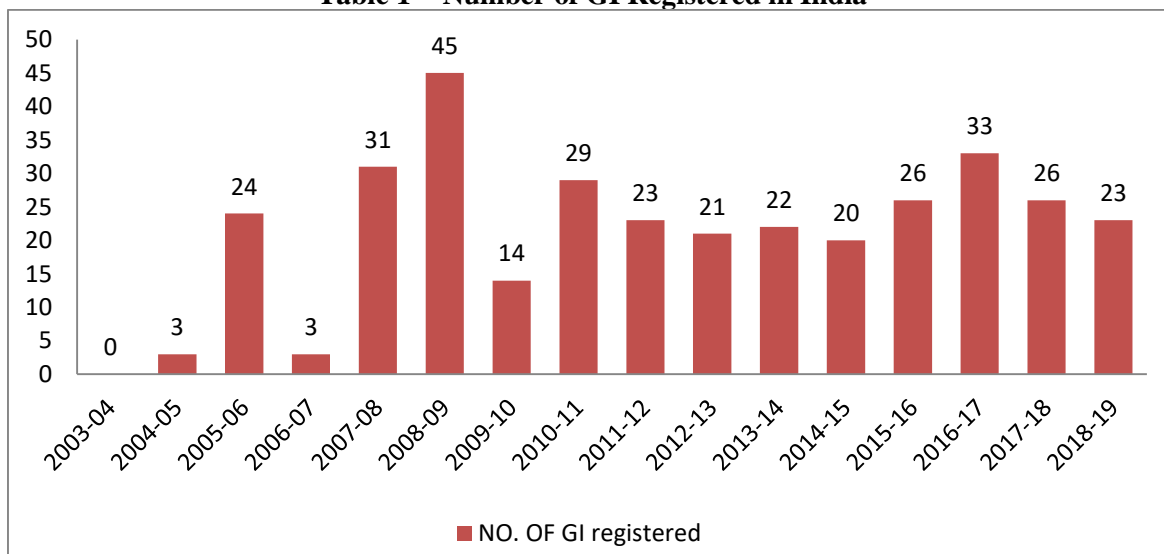
3. Database and Methodology:

This paper is descriptive in nature and aims to study the current scenario of Geographical Indications in India. In order to fulfill this objective secondary data sources have been used from the official websites of World Trade Organization, the World Intellectual Property Organization, and GI Registry Office, Chennai. Graphical representation techniques have been used to analyze the whole scenario of GI in India.

4. The status of Geographical Indication in India:

According to list published by Registrar of Geographical Indication, India has 344 GI Product registered so far and 301 more products have applied for label. There is an upward trend in total number of GI registered products in India. In the first year i.e. in 2004-05 only three products were registered. But it registered a significant hike in the year 2005-06, total twenty four (24) new products got registered this year. But in the next year 2006-07, only 3 new products were registered. 31 new products were registered in the year 2007-08. The maximum number of products got registered in the year 2008-09, the number of products registered was 45. A significant fall came in the total number of registered product in the year 2009-10. Only 14 products were registered during this period. Later on in the year 2010-11, 29 new products were registered and 23 products were registered in the year 2011-12. The year 2012-13 and 2013-14 witnessed 21 new registered products. The year 2014-15 witnessed the twenty new products registered. The year 2015-16 and 2016-17 shows significant increase that is 26 and 33 product respectively. But again year 2017-18 and 2018-19 shows decline in product registration of GI. (See Table-1)

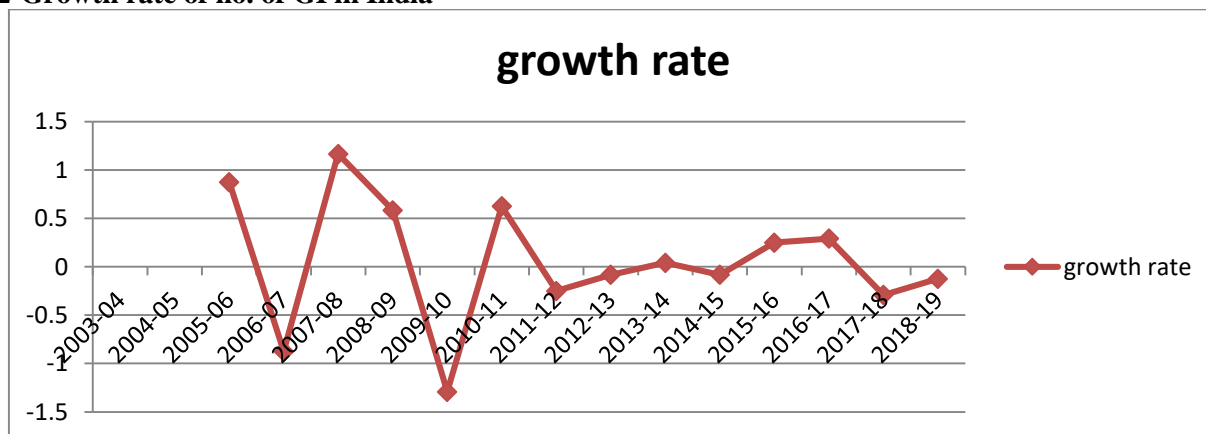
Table 1- Number of GI Registered in India



Source: Author’s calculation

The absolute number of GI is increasing over the period of time but when we look at growth rate it is not remarkable. Initially there is more instability but in recent years this trend is stable. Because initially scrutiny process was not so strong but in response to growing infringement activities GI registry office is stricter about registration process.

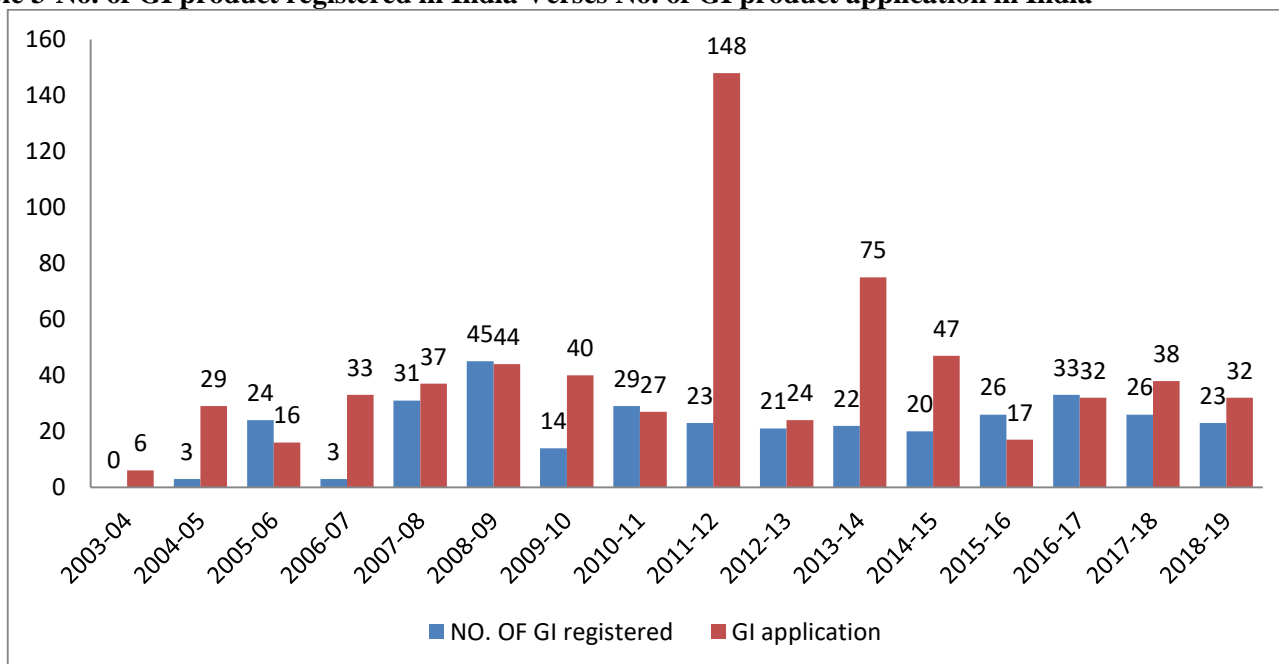
Table 2-Growth rate of no. of GI in India



Source: Author’s calculation

Registered GI Product (343) is almost half of number of GI applications (645). In most of the year's registration is in line with number of application. Year 2011-12 shows highest number (148) of GI product applications because in this year number of international GI application was high. (See Table-3)

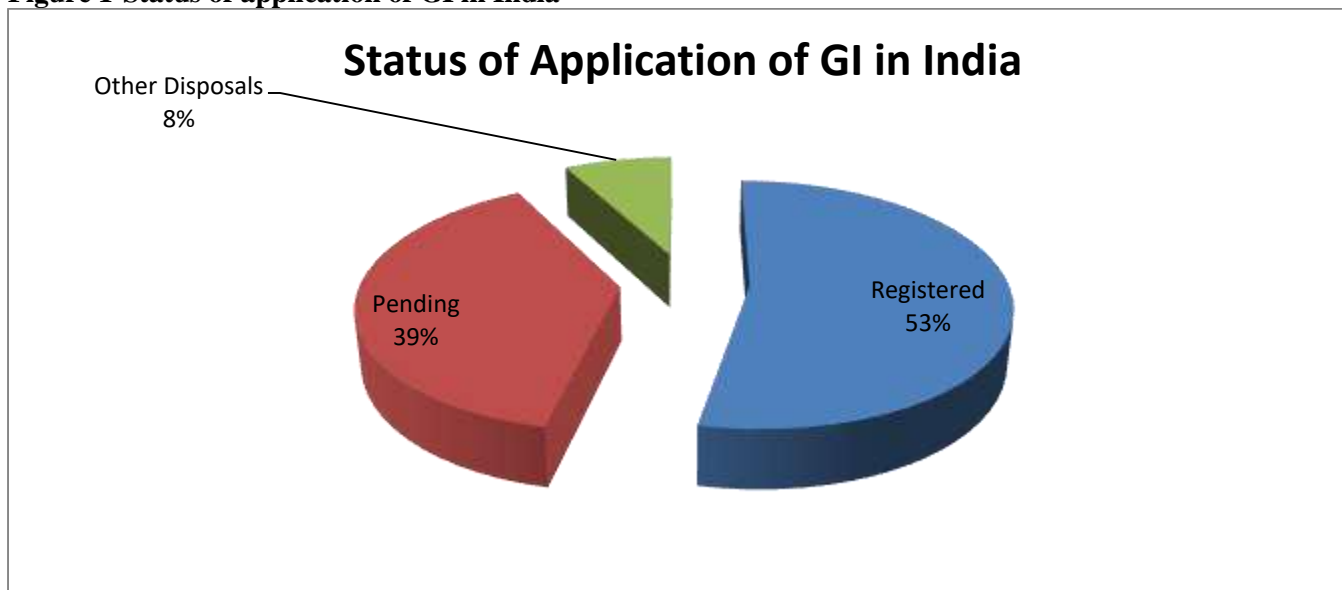
Table 3-No. of GI product registered in India Verses No. of GI product application in India



Source: Author's calculation

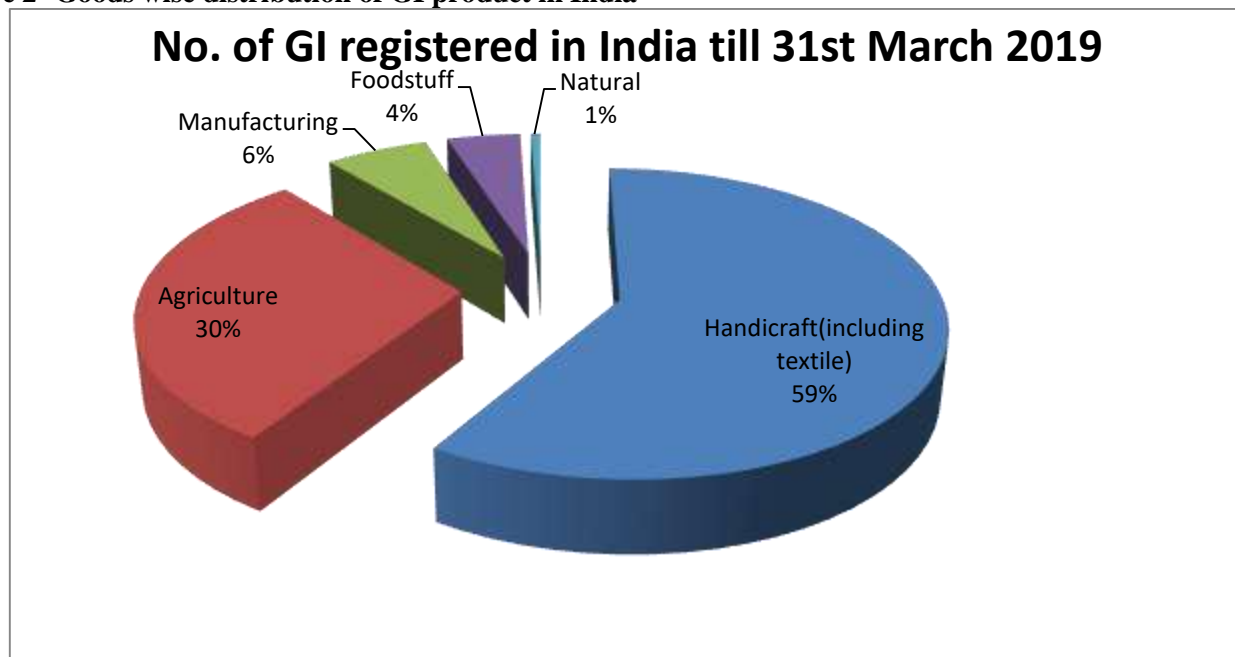
Out of 645 applications only 344(53%) is registered, 250(39%) is pending while 51(8%) is in disposal. Reason could be lengthy process of registration. Around 100 international applications are still under examination which has been filed in 2011-12. Out of 59 products which are in disposal includes 17-Abandoned, 10 withdrawn and 24 applications was refused. Reason could be lack of Proper procedure, applicant is not responding and similar GI product is registered etc. (Figure-4).

Figure 1-Status of application of GI in India



Source: Author's calculation

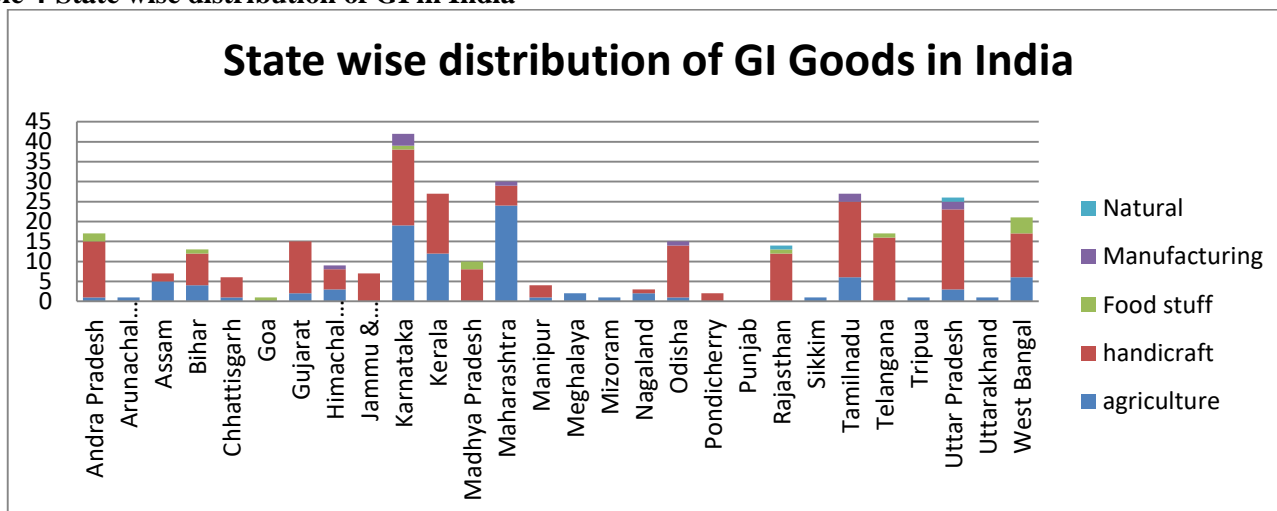
Figure 2- Goods wise distribution of GI product in India



Source: Author’s calculation

It is visible from pie chart that highest number of GI product is **Handicraft** (59%) which could be due to the fact that textile is also included in handicraft and expanded its ambit. India has rich culture of Handicraft due to its exclusiveness. Handicraft industry is major source of income in rural community in India so people are more aware to register this GI product. **Agricultural** goods have contribution of 30%, this is obvious figure as India is agriculture based economy. Despite the introduction of **Make in India**, **Manufacturing** shows only 6% products are registered in GI. Natural goods have the lowest number of GI. Foodstuff is only contributing 4% (Figure-2).

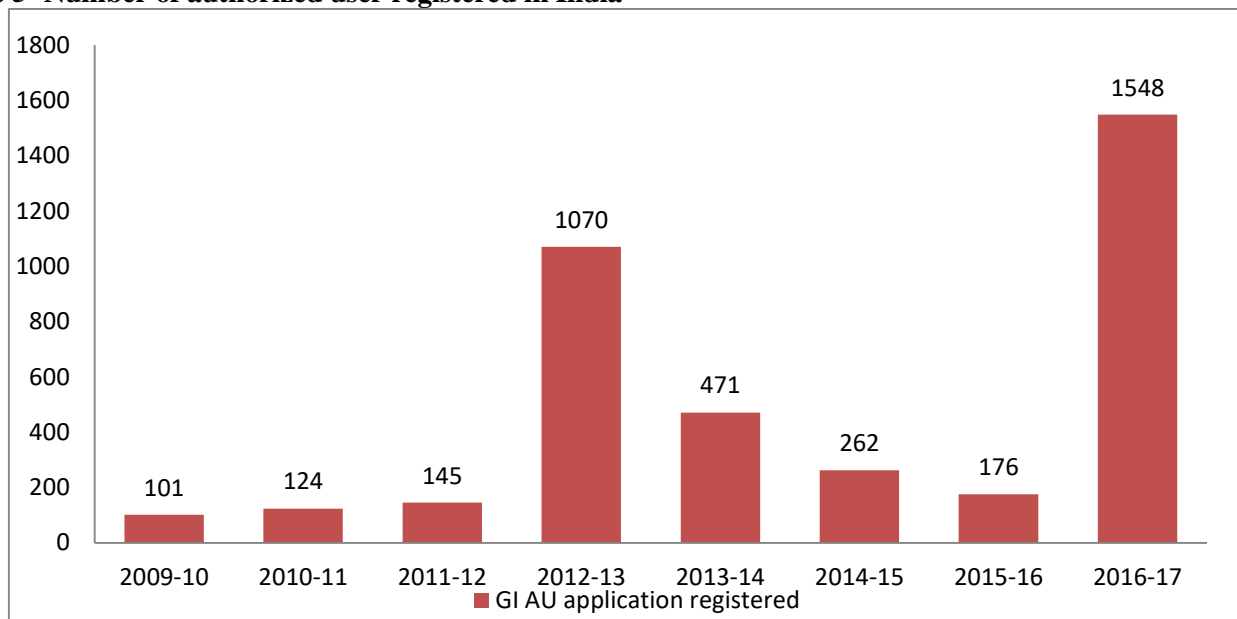
Table 4-State wise distribution of GI in India



Source: Author’s calculation

In majority of states GI on Handicraft product is high followed by GI on agriculture product. When we look at state wise trend of GI this study found that Karnataka is leading in numbers while some states like Jharkhand is having nil GI product. Maharashtra is leading in Agricultural GI product while Karnataka is having high number of agricultural as well as Handicraft GI products reason could be Maharashtra is agricultural based state and Karnataka having edge due to presence of GI registry office in near state. Northeastern states are also lacking in numbers reason could be the lack of awareness, lack of motivation for commercialization. Majority of state have touch in Handicraft product. (Table 4) Total number of authorized user in India till March 2017 is 3897. Authorized user registration started in 2009 initially the pace of increase was stable but in year 2012-13 it increased suddenly. Again in 2016-17 number of AU increased to 1548.

Table 5- Number of authorized user registered in India



Source: Author's calculation

Sudden increase in numbers of authorized user is due to fast proceeding of GI authorized user application. (Table-5). Above analysis shows though overall there is increase in GI product in India but there are certain loopholes in some areas that need to address.

5. CONCLUSION:

In India Geographical Indication is still evolving. There is a gradual increase in registration of GI product year by year. Share of Handicrafts in GI product is high. Karnataka is leading state in GI product registration. Number of authorized user registration has increased over time. But when we look at growth rate it shows gloomy picture. There could be several reasons for such trend such as Potential GI products are in rural areas. People are lacking awareness about GI registration procedure. Due to its collective nature of right people do not get incentivized about GI registry. Registry process complication could also be one of the reasons. India being agriculture based economy and rich in tradition have potential to exploit the market through GI product which in turn will help in rural development. There should be attempt made by the central and state government to tap this potential of emerging GI market with merging GI promotion with department of tourism, it will promote GI product at international market. Workshop on awareness of GI should be conducted in rural areas. There are several potential products in line to get GI tag in India. India can exploit this opportunity of GI for rural development as most of the products have rural origin.

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