



Jus Corpus Law Journal

Open Access Law Journal – Copyright © 2024 – ISSN 2582-7820
Editor-in-Chief – Prof. (Dr.) Rhishikesh Dave; Publisher – Ayush Pandey

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Geographical Indications and Challenges in India — A Study

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Received 22 February 2024; Accepted 23 March 2024; Published 27 March 2024

Geographical Indications (GIs) have emerged as one of the crucial Intellectual Property Rights and attracted the concerns of the various developing as well as developed nations. Since every nation in the world has some idiosyncratic rich cultures, traditions or heritages attributable specifically to the distinguishable natural and human factors of the respective nations or areas thereof belonging to a particular geographical region, their preservation and nurturement have always remained the centres of major concerns, for the same being sine qua non to the preservation of the identity of the nations. The concept of Geographical Indications (GIs) as one of the Intellectual Property Rights has appeared as the savior in this context. India is a hub of cultural and geographical diversities and for the same reason, there were increasing demands for an efficient legal framework for the protection of the GIs through domestic legislation. Accordingly, the Geographical Indications of Goods (Registration and Protection) Act, 1999¹ was enacted with the underlying objective of establishing an efficient legal framework in the country to safeguard the rights of the indigenous producers of the products reputed for their unique qualities related to geographical origins, climatic conditions, characteristics of soil, skills of traditional producers, cultural heritages and myriad kind of factors. The law aimed to keep the authenticity and identities of those products intact, and ultimately enable these unique products and businesses surrounding them to contribute to the overall economic development of the nation. Despite almost 25 years of the legislation being in force, its primary goals are still far from achieved. In this paper, the author aims to highlight the major issues crippling the existing Indian GI system and the possible ways to remedy and renovate the system.

¹ Geographical Indications of Goods (Registration and Protection) Act 1999

Keywords: *geographical indications, gis, trips agreement, Geneva act.*

INTRODUCTION

Intellectual Property Rights are the bundle of legal rights conferred to individuals or groups of individuals or organizations, be it individually or collectively to protect their creations made by their intellect. In the current era of increasing competition in the market, technological developments, the prevalence of unoriginal products or other creations, and the growth of consumerism, the issues concerning the protection of these rights have gained immense importance. Nowadays, Geographical Indications (GIs) are one of these Intellectual Property Rights that have assumed an equally important position in the field of Intellectual Property Rights and therefore, have become matters of national as well as international concern.

As the name suggests, the Geographical Indications (henceforth GIs) are the certification of some goods belonging to any specific geographical territory of a country, region, or locality and the qualities, reputations and other unique characteristics of such goods are specifically attributable to the geographical origins thereof. More simply, the GIs Act as a link between a product and its geographical origin since such tags are conferred to those products or goods that are only produced in particular geographical regions and gained wide reputations on account of their unique product quality specifically attributable to the natural as well as human factors in their respective geographical origins. Article 22.1 of the Trade-Related Aspects of Intellectual Property Rights (henceforth TRIPS) Agreement, 1995² defines GIs in the following words – *“Geographical indications are, for the purposes of this Agreement, indications which identify a good as originating in the territory of a Member, or a region or locality in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin.”*³

In respect of the international legal framework for the protection of GIs, the first significant steps were taken in the Paris Convention, 1883, and Lisbon Agreement, 1958 to adopt a uniform

² Agreement on Trade-Related Aspects of Intellectual Property Rights 1995

³ Agreement on Trade-Related Aspects of Intellectual Property Rights 1995, art 22.1

standard to register and protect the GIs by different governments. However, the TRIPS Agreement is regarded as the most significant international document formulating certain basic standards to be abided by all Member States of the agreement to provide for registrations and protections of the GIs. Nevertheless, the most significant recent development in providing international protections to GIs is the enforcement of the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications, 2015⁴ (henceforth, Geneva Act of 2015) in the early 2020s the main purpose of which is to bridge the gaps between the Lisbon agreement and TRIPS agreement about the international mechanism for registration and protection of Appellations of Origin (henceforth, AOs) and Geographical Indications (GIs). As of 2022, there were reportedly 58400 protected GIs all over the world, as per the WIPO World Intellectual Property Indicators 2023.⁵

As India is the land of diversity due to its enormous cultural, geographical and other diversity, GIs possess immense importance and require adequate protections to preserve the enriched cultural heritage and afford the indigenous producers with fair scope to earn their livelihood by exploiting the special geographical and human factors. The Geographical Indications of Goods (Registration and Protection) Act, 1999 (henceforth, the Act) was enacted to set up a legal framework in the country providing for the registration, protection and remedies of infringement of GIs in line with the provisions of the TRIPS agreement. 'Darjeeling tea' was the first GI registered in India under the Act in 2004 and later, it became the first Indian GI to receive legal protection under the TRIPS agreement. As of now, India has a total number of 547 registered GIs belonging to different States as per the data provided by the Office of the Controller General of Patents, Designs and Trademarks.⁶

⁴ The Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications 2020

⁵ Ranjana Sundaresan, 'GI TAGS FOR FOOD AND DRINKS: A COMPLEX WEB OF DETERMINING ORIGINS AND AUTHENTICITY IN INDIA' (*The Locavore*, 08 February 2024)

<<https://thelocavore.in/2024/02/08/gi-tags-for-food-and-drinks-a-complex-web-of-determining-origins-and-authenticity-in-india/>> accessed 21 February 2024

⁶ 'REGISTERED GIS' (*Intellectual Property India*) <<https://ipindia.gov.in/registered-gis.htm>> accessed 21 February 2024

In stark contrast to the purposes of the enactment of the Act, unfortunately, India is yet to achieve its goal of developing an efficient sui generis mechanism of registration and protection of GIs. A number of flaws in the existing legal framework concerning GIs are responsible for the failure of the Act to achieve its goal and there is a dire need to revamp the entire legal mechanism for the protection of GIs. The author of this paper endeavours to highlight the major issues responsible for the crippling of the GIs protection mechanism in India and the possible measures that may be taken to resolve these issues.

REVIEW OF LITERATURE

Many authors and legal experts in the field of Intellectual Property Rights have authored articles and raised serious concerns about the existing Indian legal framework for the protection of Geographical Indications (GIs). Amongst those articles, articles authored by Shilpa Rathod '*Challenges Posing to Geographical Indication in India*'⁷, Gautami Govindrajan and Madhav Kapoor on '*Why the protection of Geographical Indications in India needs an Overhaul*'⁸ and Hetvi Trivedi in '*The law of Geographical Indications – It is time to protect the protector*'⁹. In all these papers, the authors have highlighted multiple issues that plagued the existing legal framework and the mechanism for the protection of Geographical Indications with inefficacy and suggested some plausible solutions. The author of this paper primarily concentrates on giving a relook at the challenges in the GI protection mechanisms in India affecting the protection of Indian GIs nationally as well as internationally, adding some new issues and lastly suggesting a set of solutions to rejuvenate the GI protection system and preserve as well as prosper the great image of the distinct cultural identity of the nation before the very eyes of the world.

⁷ Shilpa Rathod, 'Challenges posing to Geographical Indication in India' (2023) 1(1) IPR Journal of Maharashtra National Law University, Nagpur <<https://www.nlunagpur.ac.in/PDF/Publications/5-Current-Issue/2.%20CHALLENGES%20POSING%20TO%20GEOGRAPHICAL%20INDICATION%20IN%20INDIA.pdf>> accessed 21 February 2024

⁸ Gautami Govindrajan and Madhav Kapoor, 'Why the protection of Geographical Indications in India needs an overhaul' (2019) 8(1) NLIU Law Review <<https://nliulawreview.nliu.ac.in/wp-content/uploads/2022/01/Volume-VIII-Issue-I-39-65.pdf>> accessed 21 February 2024

⁹ Hetvi Trivedi, 'THE LAW OF GEOGRAPHICAL INDICATIONS – IT IS TIME TO PROTECT THE PROTECTOR' (SCC Times, 9 September 2019) <<https://blog.sconline.gen.in/post/2019/09/09/the-law-of-geographical-indications-it-is-time-to-protect-the-protector/>> accessed 21 February 2024

OBJECTS OF THE PAPER

The author of this paper intends to throw lights on –

- The issues revolving around existing GI protection mechanisms in India pose challenges in the protection of Indian GIs as well as outside India.
- The viable ways to resolve the issues for enhancing the efficacy of the legal framework relating to GIs and strengthening the overall GI protection system.

HURDLES IN THE EXISTING LEGAL FRAMEWORK OF GIS IN INDIA

There are a number of hurdles in the GI protection mechanism in India and some of those are as follows –

Hurdles in international protections of Indian GIs: The problem with the Geographical Indications of Goods (Registration and Protection) Act, 1999 is that it does not provide for a mechanism for the global protection of the GIs registered in India. In fact, there is no provision in the TRIPS agreement as well including Section 3 of Part II thereof that imposes any obligation on Member States to give adequate protections to the GIs registered in the foreign countries since the agreement leaves it for the member countries to develop efficient mechanisms for the protection of different intellectual properties in accordance with the legal framework of the respective countries. Due to the divergences and intricacies in the legal frameworks of the different countries, it becomes troublesome to ensure the protection of GIs of India in foreign countries, for the basic reasons of the non-availability of agencies for monitoring the infringement of GIs in foreign countries as well as taking appropriate legal actions to remedy the same and of exorbitant expenses to fight the legal battles involved therein in the foreign territories. The failure to protect the Indian GIs internationally also gives rampant rise to the biopiracy of the Traditional Knowledge (TKs) related to the GIs. These all together drive the original Indian producers of goods having GIs confront unfair competition in the international markets and therefore they get deprived of their just rights to exploit the commercial benefits of the products which are the results of their hard labours, years and generations of experience, efforts to preserve their cultural or traditional heritages, as well as, most of the times their sole

means of livelihood. Inefficient international protection of GIs also results in a substantial diminution of the unique cultural and geographical identity of India that is reputed for its image of the land of diversity.

At this juncture, the Geneva Act of 2015 comes to the rescue as it now establishes a uniform legal framework for the registrations and protections of GIs in the member countries thereof through the World Intellectual Property Organization (WIPO). However, India is not a party to either the Lisbon Agreement or Geneva Act, despite being eligible to be a party to the latter, especially, for being a member of the Paris Convention¹⁰. Some of the biggest advantages of the Geneva Act¹¹ are as follows –

- It makes it possible for different countries to internationally register GIs at a single platform in foreign countries that are the members of the Act and thereby aims to overcome the hurdles involved in obtaining registrations in foreign countries; however, it is necessary that the same GIs are already registered and protected under the domestic laws.
- Besides easing the complex and time-consuming process of registrations of GIs in foreign countries, it also makes the process cost-effective and further, it provides for a reduced fee rate applicable for registrations of GIs by the applicants belonging to the developing countries.
- It provides for protection to the GIs (as well as AOs) from various types of infringements thereof in foreign lands by acts used to mislead consumers as to the geographical origins and unique qualities of different products already recognized as GIs of another country. It also allows various International Organizations to come forward for the protection of GIs in the international arena.
- Any member country can refuse to register GIs of any foreign country within one year of its registration by WIPO and notify the same to WIPO.

¹⁰ Paris Convention for the Protection of Industrial Property 1884

¹¹ Latha Nair, 'SHOULD INDIA JOIN THE GENEVA ACT OF THE LISBON AGREEMENT, 2015?' (*Spicy IP*, 12 March 2020) <<https://spicyip.com/2020/03/should-india-join-the-geneva-act-of-the-lisbon-agreement-2015.html>> accessed 21 February 2024

- There is no requirement for renewal of the registration of any GI, as the registration once effected shall remain in force for an indefinite period until the country of origin protects the same GI by domestic laws.

Keeping the above advantages in view, India should effectively consider being a party to the Geneva Act and ensure the efficient protection of Indian GIs internationally.

Legal and procedural complexities in registration: It is reported that India despite being eligible to obtain GIs in a large number severely lags in registration thereof in comparison to other nations. As per the reports of the GI registry, a total number of 1167 applications were received for GIs till December 2023 and amongst them, only 547 applications have been granted GIs, that is to say, the rate of registration of GIs is around 46 percent only which is shockingly disproportionate to the total number of applications filed before the GI registry.¹² In fact, there are wide disparities between different States in registrations of GIs. This essentially indicates that there is definitely something wrong with the procedure or legal formalities involved in the registration of GIs. An applicant seeking registration of a product for GI is required to prove the specific geographical origin of the product, and the distinguishable character and quality of the product attributable to the geographical origin.

The most problematic part of procedures for the registration of GIs is the excessive reliance on documentary evidence to establish proof of the geographical origin of the products.¹³ Most of the products deserving GIs in India have long histories of their cultures and traditions and often those products relate to Traditional Knowledge (TKs) of the indigenous communities in different parts of the country. Therefore, the histories of origins or TKs relating to the products being inextricably linked to their unique cultures and traditions are forwarded through the words of mouth of the producers to their coming generations and there is obviously a dearth of availability of documentary proof of the origins of those products, even if the producers are very much aware of the same. This overburden of documentary proofs on producers and their

¹² Mohit Sharma, 'UNTAPPED POTENTIAL' (*Down to Earth*, 22 January 2024)

<<https://www.downtoearth.org.in/news/governance/untapped-potential-94029>> accessed 21 February 2024

¹³ Govindrajan (n 8)

subsequent failure to provide the same resulted in the rejection of registration of GIs of most of the products.

Ignorance of GI laws: A major reason for the sternly low rate of registrations of GIs in India is the lack of awareness amongst the producers of the goods eligible for obtaining GI tags. India is the homeland of rich culture, and traditions, but a large number of goods deserving of GIs are produced in the rural areas, and the producers of such goods are quite unaware of the concept of GIs and the protections for which they may be entitled under the law.

Sometimes, many artifacts, handcrafts, and agricultural goods in some regions get overlooked by the authorities entrusted to recognize and grant GIs to such products and often lackadaisical approaches of the State governments are responsible for it. Ignorance of the local or traditional producers of such products to the concept of GIs, protections thereunder and their inability to represent their interests at a national platform all together contribute to the non-recognition of a large variety of products as GIs even though these are eligible for the grant of the same. An example of such instances is the handcrafted traditional industry of Clay Dolls in Ghurni¹⁴, located at Krishnanagar city of Nadia district of West Bengal. This industry is famous for the unique traditional skills of the potters of the region and, the quality and captivating artistry of the clay objects. The history of this clay industry has a glorious past as it goes back to the rule of Maharaja Krishnachandra during the 18th Century under whose patronage, the industry flourished in the region. The Government of West Bengal applied for a GI tag in 2016 only, but it has not received the same even now. In such cases, the State governments should take proactive steps to identify such products deserving of GI tags and inspire the original producers to apply for GIs. Conducting GI awareness campaigns in different corners of the country, especially, in the rural areas may also help to build awareness amongst the indigenous producers about the GI protection system and legal rights surrounding GIs.

Absence of proper regulatory and other mechanisms in the post-registration stage: Along with the protection of the GIs, the marketing, branding, quality checking, and promotion of the

¹⁴ 'GEOGRAPHICAL INDICATIONS' (*Intellectual Property India*)
<<https://search.ipindia.gov.in/GIRPublic/Application/Details/795>> accessed 21 February 2024

products for which GIs are granted in the post-registration stage become very essential to fulfill the purposes of the GIs. It is seen that many products despite receiving GIs fail to compete in the market by creating demand in the consumers due to several reasons and some major reasons are the absence of a body to ensure proper marketing strategies, attractive branding, promotional activities, and quality-checking mechanisms of the products. Notably, since a large number of producers of the products receiving GIs are financially incapable of spending huge money for marketing, branding and promotion of the products and even engaging legal practitioners to fight legal battles in case of infringement of the GIs, most of the GIs loses their high potentials to create their markets and strong consumer bases. For example, except for a few GIs such as Darjeeling tea, Basmati rice, etc., there are very a small number of GIs that have been able to effectively maintain the unique quality and reputation of the products in national as well as international markets.

Further, consumers get interested in purchasing goods having GIs for the very reasons that the tags ensure the authenticity of the products, but in the absence of periodic quality checks of the products and the prevalence of many fake or deceptively similar products in the market, the consumers lose their trust over the original products having GIs. Quite often, the producers of GI products fail to maintain the unique qualities thereof in due course of time due to the absence of a supervisory body entrusted to ensure strict compliance to the prescribed quality standards of different classes of products and it eventually results in degradation of qualities of the products and lose of demands and repute in the market. The GI Act of 1999 and the Rules made thereunder in 2002 give really very small concentration on these issues in the post-registration stage. Unless these issues in the post-registration stage are resolved as early as possible, it would not be exaggerated to say that the underlying purposes of the enactment of the 1999 Act as well as the whole concept of GIs would become futile.

Inter-State disputes: Several times, bitter wars took place between the States on account of their conflicting claims regarding the grant of GI tags to some products or food items. A significant example is the controversies between the States of West Bengal and Odisha as to who owns the GI tag for a famous sweet of East India, i.e., 'Rasgulla'. Both the States claimed the GI tag for this

dessert citing their respective glorious histories and rich cultures and traditions relating to it. On one hand, West Bengal claimed that Rasgulla belongs to Bengalis for the reason that it was invented during the 19th Century by a renowned Bengali confectioner at his Bagbazar residence in Kolkata named Nobin Chandra Das, while, on the other hand, Odisha claimed that GI tag for the sweet belongs to Odias citing its rich traditional history going back to 12th Century when the delicious sweet was being offered to Lord Jagannath in the Puri shrine.¹⁵ In the end, the dispute between the States relating to the GI tag of 'Rasgulla' was resolved by the GI Registry and ended in a draw since both the States, first West Bengal in 2017 and later Odisha in 2019 were granted GI tags for their respective 'Rasgullas' owing to their distinguishable colours, textures as well as tastes.

There are also disputes between the State of Karnataka and Tamil Nadu over the grant of GI tag for the famous dessert Mysore Pak. There are many disputes relating to GI tags between other States as well. By reason of such disputes, enormous delays have been caused in granting various GIs and also many applications for genuine GIs have been either rejected or kept in the examination stage for a long number of years.

Governments being the proprietors of GIs: As per the official records, it is observed that State and Central Governments through various statutory, executive bodies or even Universities hold the majority of the registered GIs in India, i.e., 57 percent of the total registered GIs.¹⁶ For example, the Agricultural and Processed Food Products Export Development Authority (APEDA) established under a Parliamentary statute is empowered under the said statute to apply for registration of and protect the Intellectual Property Rights in respect of certain special products within and outside India.¹⁷ It is noteworthy that APEDA that is a government (statutory) body is the proprietor of the GI tag granted to Basmati rice.

¹⁵ Ram Sharma, 'GEOGRAPHICAL INDICATION IN CONTEXT OF THE RASGULLA CONTROVERSY' (Khurana & Khurana Advocates and IP Attorneys, 03 January 2020)

<<https://www.mondaq.com/india/trademark/879718/geographical-indication-in-context-of-the-rasgulla-controversy>> accessed 21 February 2024

¹⁶ Prashant Reddy, 'THE 'NATIONALIZATION' OF GEOGRAPHICAL INDICATIONS IN INDIA' (*Spicy IP*, 12 February 2012)

<<https://spicyip.com/2012/02/nationalization-of-geographical.html>> accessed 21 February 2024

¹⁷ The Agricultural and Processed Food Products Export Development Authority Act 1985, s 10A

As per Section 11(1) of the Geographical Indications of Goods (Registration and Protection) Act, 1999, *'Any association of persons or producers or any organisation or authority established by or under any law for the time being in force representing the interest of the producers of the concerned goods, who are desirous of registering a geographical indication in relation to such goods shall apply in writing to the Registrar in such form and in such manner and accompanied by such fees as may be prescribed for the registration of the geographical indication..'*¹⁸ However, it is unclear from the provision whether a Government is competent to apply for registration of a GI on the grounds that they represent the interests of the original producers. Nevertheless, the question remains why the original producers either by themselves alone or by forming an association representing the interests of the original producers cannot be the sole proprietors of the GIs registered in their products or exploit the benefits arising out of such products. The major problems in governments being the proprietor of GIs are – the involvement of lengthy and complex procedures, frivolous legal and other formalities, corruption in the bureaucratic process, prejudice of the government against the original producers of the goods for which GIs are granted, etc. Due to such reasons, holding the sole proprietorship of GIs by the governments or its authorities deprives the original producer of their rights to enjoy the exclusive benefits of their products and it compels the original producer to undergo lengthy and complex procedures in cases of seeking legal remedies because of infringements of the GI rights. These altogether defeat the very purpose of enacting the 1999 Act.

Local vendors and producers being deprived of the real benefits of GIs: Many studies show the ground reality that the original producers or local vendors for whose benefits, the GI Act of 1999 was brought into force, are unable to reap the benefits arising out of the products having GI tags. A number of reasons are responsible for it and some of those are – disunity of members of an association wherein the association is the proprietor of a GI; lack of awareness amongst the original producers or vendors; piggybacking by vendors or big corporates having bigger bargaining powers on the authentic products manufactured by smaller original producers in order to capture the market by selling inauthentic products, unfairly gaining advantages by

¹⁸ Geographical Indications of Goods (Registration and Protection) Act 1999, s 11(1)

making disproportionate profits, and forcing the original producer suffer lose of market. This indeed vitiates the purposes of the 1999 Act striking at the very root thereof.

Overburdening of the High Courts: In the aftermath of the dismantling of the Intellectual Property Appellate Board (IPAB), retrospectively, by virtue of the Tribunals Reforms Act, 2021¹⁹, the appellate and original jurisdictions of the Board have been transferred to the High Courts. Since, the High Courts are already overburdened with huge backlogs of cases and facing significant problems due to poor judicial infrastructures, vesting these jurisdictions to the High Court can actually be seen as a step backward which is very likely to create more troubles in the efficient disposal of matters concerning Intellectual Property disputes, and the same is also flagged by the former Chief Justice of India (CJI) Justice NV Ramana²⁰. Further, owing to the paucity of legal experts in the field of Intellectual Property matters to adjudicate the disputes relating thereto, taking resort to Alternate Dispute Resolution (ADR) mechanisms such as Arbitrations, Conciliations, Mediations, etc. to get the Intellectual Property disputes resolved amicably at the ease of the parties and in speedier manners bypassing the ordinary judicial process, is also a daunting job. Like other Intellectual Property matters, largely, these have also adversely affected the mechanism of dispute resolutions relating to GIs and infringements thereof. In addition to that, the exorbitant costs involved in the legal proceedings in India to fight against the GI infringements make it nightmarish for the local and original producers of GI products and compel them to move backward.

Cultural and linguistic barriers: India is a land of massive diversities with respect to cultures, languages, religions, ethnicities, traditions, customs, geographies, etc. However, quite often, owing to wide variations of languages and cultures, some renowned products having GIs in some specific regions or parts of the country don't get popularized in the other parts of the country and therefore, the large proportions of the population in one region remain oblivious to the GIs in the other regions. Thus, cultural and linguistic barriers very often open the way for

¹⁹ Tribunals Reforms Act 2021

²⁰Ashish Tripathi, 'CJI stresses on removing disparity on GI tag registration, improving judicial infrastructure' *Deccan Herald* (New Delhi, 26 February 2022) <<https://www.deccanherald.com/world/cji-stresses-on-removing-disparity-on-gi-tag-registration-improving-judicial-infrastructure-1085344.html>> accessed 21 February 2024

infringements by the people of one region of GIs of various other regions be it innocent or deliberate. Lack of financial, technical and other resources of the producers involved in the production of the products having GIs led to poor marketing, promotion, branding and selling strategies and for this very reason, they fail to attract a large number of people from different regions of the country and their markets are confined to the local populations only. One solution to this issue may be to promote GI products by connecting them with tourism so that a large number of tourists can come to visit a region having cultural, natural or other significance and they can purchase the most authentic and reputed GI products of that region even in premier prices. In this way, on one side, the tourism industry can grow and on the other side, the local producers of the GI products can be incentivised. Because of these, the entire local industry of such GI products and the overall economy can get huge boosts and they can be saved from extinction in the near future.

CONCLUSION AND THE WAY FORWARD

In this paper, the author merely pointed out some of the major issues posing obstacles in making the Indian GI mechanism a robust one, but indeed, there are other issues as well and therefore, it requires an overhaul. If these issues can be resolved before it is too late, there is no reason why India cannot become a shining example of a robust GI protection mechanism before the eyes of the whole world. As India has wide diversities in distinct essential factors such as geography, climate, soil, culture, traditions, language, and so many and moreover, India is an agrarian economy, an efficient GI protection mechanism may appear as a gamechanger with the plausible potential to considerably boost the economy of the nation as well as the indigenous industries bearing cultural, traditional and other unique identities, if a little more importance is given in this field to prevent the said potentials getting wasted for sheer ignorance.

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

1. The Central Government should effectively consider the accession of India to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications, 2015 that has been in force since the early 2020s.
2. Procedural and other legal formalities for the registration of GIs should be made easy and less time-consuming. Most significantly, over-reliance on documentary evidence to establish the 'geographical origins' of products or goods should be done away with. Instead of strict documentary evidence, reliance should be placed on the testimonies of the local populations of a geographical area or persons involved in the production of the products having great cultural, traditional or historical significance.
3. Central and State Governments in collaboration should engage various NGOs or voluntary non-profit organisations to organize campaigns in various parts of the country, especially, in rural areas to conduct awareness programs about Intellectual Property Rights and more particularly about the concept of GIs, their protections and benefits.
4. The Central Government in consultation with the experts should constitute a statutory authority to oversee the compliance of the regulatory standards in the post-registration stage of the GI products to ensure the qualities or authenticities thereof. Further, both the Central and State Governments should make schemes to provide adequate financial, technical, legal and other necessary support to the original producers of the GI products so that they can focus on the marketing, brandings, promotions, sales and other strategies of those products in the national as well as international markets.
5. The Governments, its authorities or Universities instead of becoming proprietors of GIs themselves should encourage the original producers of the GI products to become the proprietors thereof so that they can reap the benefits of the GIs, grow their traditional industries, and ultimately contribute to the economic growth of the nation. In this way only, the true purpose of enacting the GI Act of 1999 can be sub-served. The Governments should also make laws to prohibit the big corporate houses or vendors having higher bargaining powers from piggybacking the benefits of the GI products and thereby gaining unfair and disproportionate

advantages by usurping the markets of the original producers or local vendors. This will serve the interests of the consumers as well as fake or inauthentic products in the market will not mislead them. The Government may also consider the creation of a common logo for all products that have been granted GI tags to certify them as 'Geographical Indications' to prevent the duplication of those products.

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

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

8. As already discussed earlier, promoting tourism in regions of cultural, traditional, geographical or historical significance may remove the cultural and linguistic barriers in the promotion and marketing of the GI products of such regions.

9. Last, but not least, the Central Government should appoint an expert committee to review the existing legal framework concerning GIs. Accordingly, it should bring all necessary changes in the GI Act of 1999 and take all other necessary steps to make the Indian GI mechanism a robust one by taking necessary lessons from various other countries or global brands on how they have developed an efficient GI protection mechanism and maintained their global reputes for authenticities or unique qualities of their products.

It can be concluded that the concept of GI is a boon in the vast arena of Intellectual Property Rights. Thus, if the issues plagued by its existing mechanism are remedied in time and with utmost importance and all the laws are properly implemented, the dawn of revolutions in the Indian GI protection system must not be too far away. Further, the GI revolutions shall be bound

to have significant reflections in the overall growth of the economy, cultures, industries, tourism and so many other areas as well.