

GRANT OF GEOGRAPHICAL INDICATION STATUS IN INDIA - AN INCENTIVE TO ACHIEVE ENVIRONMENTAL SUSTAINABILITY AND ECONOMIC ADVANCEMENT?

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ABSTRACT

In the times of global warming, climate change, deforestation, rising pollution levels, etc. one prominent concept which deserves immediate attention is to find long-term and effective solutions to nurture and preserve our natural ecosystems and resources for the posterity. This article analyses the role of geographical indications as a collective intellectual property right in fostering harmonious relations with our natural environment and as a tool towards achieving economic development. This article also analyses how the role of government is indispensable to accomplish the goals of environmental sustainability and economic growth.

Key words: Geographical Indications, environmental sustainability, economic development

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1. INTRODUCTION

The recognition of Geographical indications as a form of intellectual property in various international instruments such as the Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement and Paris Convention for Protection of Industrial Property encouraged numerous producers and manufacturers of products belonging to a specific region to protect these unique products in compliance with the local laws in place in their respective jurisdictions.

India enacted its own legislation to facilitate the registration and protection of Geographical Indications. According to Section 2 (e) of the Geographical Indications of Goods (Registration and Protection) Act, 1999 a “Geographical Indication” in relation to goods means an indication which identifies such goods as agricultural goods, natural goods or manufactured goods as originating, or manufactured in the territory of a country, or a region or locality in that territory, where a given quality, reputation or other characteristics of such

goods is essentially attributed to its geographical origin, and in case where such goods are manufactured goods one of the activities of either the production or of processing or preparation of the goods concerned takes place in such territory, region, or locality as the case may be. A geographical indication could be interpreted as a name, pictorial/figurative representation of a geographical area applied to agricultural, manufactured, natural or other goods, handicrafts, food stuff which belong to a particular area or region and have certain unique qualities or characteristics attributable to such area/region. A *Mysore Silk* saree which owes its origin to the Mysore district of Karnataka, is famous for its pure, soft and fine silk sarees just as the *Kashmir Pashmina* products are known to be made from traditional material found in the Jammu and Kashmir region. *Darjeeling Tea* is known for superior and fine quality of tea, grown in the hills of Darjeeling, West Bengal. These goods are unique due to their association with a specific geographical locality and the quality/reputation attained by such goods originating from such localities, either due to the geo-climatic conditions and/or traditional practices followed in the production of goods in these localities.

2. BENEFITS OF GEOGRAPHICAL INDICATION STATUS

There are numerous benefits to registration of Geographical Indications. The first and foremost advantage of obtaining a GI registration is that the proprietor has the exclusive right to use the GI in relation to the goods for which registration has been granted. Another right conferred by means of registration is the right to take appropriate measures and actions against unlawful, misleading and infringing usage of the GI by persons other than the proprietor/authorised user to reap benefits at the expense of the reputation gained by the registered GI product. There have been numerous complaints in the state of Karnataka with respect to sale of imitation silk sarees under the tag of *Mysore Silk* by private entities. The applicant, Karnataka Silk Industries Corporation Limited, can initiate action against such sellers in exercise of its rights as the registered proprietor of this GI product.

The GI tag for a product also grants the producers/manufacturers great recognition for the exclusive products that are developed/manufactured by using traditional methods and sources which reflect the rich history and culture of the place of the origin of the product. The consumers who identify products which have GI registration are inclined towards them due to their faith in the authenticity and good quality of such products. For example, a consumer would recognize the value of a real and pure zari Kancheepuram saree over other sarees as the consumer relates to the origin and genuineness of the saree. As a result of the same, these products fetch good prices that benefit the entire producer community.

3. GI REGISTRATIONS IN INDIA

From the year 2005 until now, as many as 370 products have been granted the GI tag by the GI Registry for different agricultural products, authentic handicrafts, foodstuff, and manufactured goods. Out of these, 355 are Geographical Indications for Indian goods whereas 15 are for foreign goods. A majority of the GI registered goods are handicrafts and agricultural products. As India is a remarkably diverse country, there are many other potential handicrafts, arts, agricultural and other goods from different states which could qualify as GI and make their entry into the Register of GI.

Analysis of GI products and their role in preserving the environment, protecting the interests of producer

There are trivial questions regarding environmental damage caused by human activities and urbanization, industrialization, pollution that need to be addressed urgently. In the wake of

such issues, more and more people are resorting to natural, organic, and environmentally friendly goods that are prepared using traditional methods/processes. The immense popularity of this market paves way for spreading awareness about registered GI commodities that are produced using eco-friendly methods amongst large sections of the general public. The concept of exploitation of intellectual property rights while staying in sync with the natural environment is gaining relevance all over the world.

When GI status is granted to a good produced by a community of farmers of an agricultural product/ producers of a handicraft in a particular locality, there is acknowledgement of the contributions of such persons to revive a dying art form or even keep alive the art form that may become extinct otherwise, while encouraging the younger generations of such communities to learn more about such work. The artisan communities involved in such production may receive the much-needed encouragement to carry on with the traditional work handed down over the years that are reflective of the cultural heritage of that area. The *Udupi Saree*, a hand woven product from the weavers in Udupi and parts of Dakshina Kannada region made using natural dyes witnessed a wonderful revival recently where many weavers who had abandoned this artistic tradition returned to the profession with full vigour during the pandemic. GI registered goods that make effective utilization of natural substances available around a geographical region contribute to the conservation of the environment and resources while the discussion about the product brings popularity, boost in tourism and excellent prices for the producers of such goods. Another example of how the grant of GI tag for the *Gulbarga Tur Dal*, could have great repercussions for the cultivators in the state of Gulbarga in terms of generating international interest and premium returns is noteworthy. The high quality of mineral presence in the soil of Gulbarga and natural derivatives used to control pest add to the superior quality of yield. Another beautiful story of an ancient Indian GI product crossing all barriers and venturing overseas into foreign markets reiterates the success that can be achieved with local hand crafted and sustainable products. The craftsmen of EtiKoppaka, a small village in Andhra Pradesh had deserted the craft of making wooden toys with local, traditional knowledge using nature friendly, vegetable and plant derivative dyes which was slowly revived and further benefitted with the grant of GI status. Further, the registration of rice items such as Chak – Hao, Navara and Katarni as GI have attracted more local farmers to grow these varieties and is reflective of how farmers take inestimable pride in their local produce and GI status further motivates them to keep these exceptional cultivations alive.

The grant of GI certification for handicrafts, foodstuff, artwork, toys, natural goods provides more opportunities for rural, marginalized and traditional growers, producers and manufacturers to take up such occupations and thereby enables the meagre income earning crowds in rural areas to progress economically. It entails better work prospects for such communities to revive and continue conventional work using traditional know how and reduces exodus of such people in urban areas by inspiring them to carry forward their tradition. It allows local indigenous population to flourish and improve their craft to cater to international crowds eventually and addresses the problem of urban congestion in a developing country such as India. Another byproduct of GI status is that there is focus on the geographical origin of the product which could also boost tourist activities in these places. The proceeds from such tourism could be employed to fund and assist the local businesses to prevail during testing times.

The GI status also acts as a source of motivation to these producers to maintain the quality and standards of these goods while encouraging usage of genetic, biological and regional sources to produce premium goods thereby aiding conservation of biodiversity and ecological

systems. GI acts as a tool that allows organic farmers, craft workers to make their presence felt in the national and global market.

Vital role of governments and financial aid

The role of the government becomes especially important in developing countries such as India when it comes to formulation of steps for protection of registered GI from the brink of disappearance and revival efforts of traditional forms. The entire purpose of GI is defeated due to lack of knowledge about them in the market, amongst both the consumers and the producers. Although this scenario is undergoing changes, the government could outline schemes towards the enforcement of a mechanism to check how the GI has been performing post registration, the kind of quality standards upheld by registered applicants of GIs and associated actions to create consumer awareness about such products. Smart marketing techniques that could enable the GI products to tap into new and urban markets could benefit both the consumers as well as the producers. Chalking out plans to provide financial and technical assistance to the artisan community such as training workshops, loans could further serve this purpose.

Development of policies for promotion and betterment of GI products would be a welcome move for the producing bodies. There are reports of mulling of a GI policy in the state of Karnataka to promote GIs, educate the producers and consumers, create online visibility for GI products, etc. If such policies come into effect in different states across the country, it could pull wider audiences, establish strong customer base for such products and enable effective exploitation of the GI for the greater good of all.

4. CONCLUSION

GIs have enormous potential to create an identity for itself, attract consumers world over and generate tremendous revenues for the workers, producers and rural community while putting the states producing such products on a global map. Continuous assessment of the quality of goods, mechanism to check counterfeits and financial policies to aid producer organizations in taking legal actions against such infringement, procedures to correct defects, if any, could create higher values for GIs and aid economic development.

When a strong stringent system is established to regulate and monitor standards, it ensures that the hard-earned reputation gained by the GI over time is not negatively impacted when one registered user/organization churns out a substandard product. This helps in achieving uniformity for the GI goods and invokes consumer confidence. As GI is a collective intellectual property right granted to an association of persons it is important to ensure there is no dilution of reputation due to the act of one or two producers and control measures like the above would keep a check on such acts.

Government sanctions and guidelines with respect to usage of natural resources while staying true to the roots of the products further serve the purpose of environmental sustainability. A careful consideration and review process to balance the usage of ecofriendly materials so as to further development and ensure there is no depletion/exhaustion of sources is also necessary in the long run to make GIs effective.

The tremendous capacity of GI for economic development and environmental sustainability can be realized only with appropriate support and implementation of specific strategies by the government to harness this potential offered by GIs.

REFERENCES

- [1] Articles 22 and 23 of the TRIPS Agreement
- [2] Articles 1 and 10 of the Paris Convention for Protection of Industrial Property
- [3] Geographical Indications of Goods (Registration and Protection) Act, 1999
- [4] Registered Geographical Indications, GI Registry
http://www.ipindia.nic.in/writereaddata/Portal/Images/pdf/GI_Application_Register_10-09-2019.pdf
- [5] GI Registry, Application Details,
<http://ipindiaservices.gov.in/GirPublic/Application/Details/593>
- [6] Jena, Pradyot & Grote, Ulrike, Changing Institutions to Protect Regional Heritage: A Case for Geographical Indications in the Indian Agrifood Sector, *Development Policy Review*, 28, 2010, pp 217-236
- [7] Dr. B L Wadehra, Law Relating to Intellectual Property, Fifth edition, 2017, pp 467-472
- [8] The Hindu, Coming soon, Mysore Silk saris at ₹4,500, June 2018
<https://www.thehindu.com/news/national/karnataka/coming-soon-mysore-silk-saris-at-4500/article24295145.ece>
- [9] Deepthi Sanjiv, Times of India, Udupi sarees on revival mode skilled weavers return, August 2020,
<https://timesofindia.indiatimes.com/city/mangaluru/udupi-sarees-on-revival-mode-skilled-weavers-return/articleshow/77639064.cms>
- [10] Praveen P Bara, The Hindu, Gulbarga tur dal gets GI tag, August 2019,
<https://www.thehindu.com/news/national/karnataka/gulbarga-tur-dal-gets-gi-tag/article29249037.ece>
- [11] Nivedita Ganguly, The Hindu, Etikoppaka toys of Andhra Pradesh in the spotlight, September 2020,
<https://www.thehindu.com/entertainment/art/etikoppaka-toys-of-andhra-pradesh-in-the-spotlight/article32496524.ece>
- [12] Avantika Bhuyan, LiveMint, Are GI tags the boost that indigenous rice needs? August 2020,
<https://www.livemint.com/mint-lounge/features/are-gi-tags-the-boost-that-indigenous-rice-needs-11597462886035.html>
- [13] Suchith Kidiyoor, The Hindu, Govt. pulls out all stops to promote over 40 Karnataka GI products, August 2019,
<https://www.thehindu.com/news/national/karnataka/government-pulls-out-all-the-stops-to-promote-over-40-state-gi-products/article29185750.ece>
- [14] Claude Garcia, Delphine Marie-Vivien, Chepudira G. Kushalappa, P. G. Chengappa, K. M. Nanaya, Geographical Indications and Biodiversity in the Western Ghats, India, *Mountain Research and Development*, 27(3), 2007, pp 206-210
- [15] Bramley, Cerka & Biénabe, Estelle & Kirsten, Johann, The economics of geographical indications: Towards a conceptual framework for geographical indication research in developing countries, *The Economics of Intellectual Property*, 2009,
https://www.wipo.int/export/sites/www/ip-development/en/economics/pdf/wo_1012_e_ch_4.pdf