

## Reforms in Geographical Indication (GI)

### Why in news?

India's two-decade journey with Geographical Indication (GI) tags has shown limited outcome and there is an urgent need to simplify the registration processes.

### What is Geographical Indication tag?

*The first product in India to be accorded with GI tag was Darjeeling Tea in the year 2004-05.*

- **GI definition**- It is defined under Article-23 and 24 of the ***Trade-Related Aspects of Intellectual Property Rights (TRIPS)*** Agreement of the World Trade Organization (WTO).
- **GI tag** is a form of certification that recognises unique products based on their origin.
- **Characteristics** - GI tagged products can be *natural or man-made*.
- The raw materials for such products do not necessarily have to come from that region, unless it is an agricultural tag.
  - For instance, the mulberry silk used in Kancheepuram sarees comes from Karnataka, and the gold zari from Surat.
- The essential difference between GI and other [intellectual properties \(IP\)](#) is that, GI is a *collective Intellectual Property Right*.
- **India**- It is a member of WTO and enacted the ***Geographical Indications of Goods (Registration & Protection) Act, 1999*** that came into force from 2003.

*Tamil Nadu has the highest number of GI tags in India.*

### What about Geographical Indications of Goods (Registration & Protection) Act, 1999?

Key aspects	Description
<b>Geographical Indication</b>	An indication which identifies a commodity or a product as a natural good, agricultural good or manufacturing good concerning the place or region.
<b>GI registry</b>	Located in Chennai, Tamil Nadu.
<b>Ownership</b>	Any trader's body, association, or organization can apply for a GI tag.

<b>Conditions</b>	The applicants need to prove the uniqueness of the item with historical records and a complete breakdown of how the product is made.
<b>Validity</b>	No expiry date, but has to be renewed every 10 years.
<b>Collective Intellectual Property Right</b>	It is intended for a community or is a right given to a group, it is not possible to get GI registration in the name of an individual.
<b>Authorized user</b>	It can be any person claiming to be a producer of the goods in the definite geographical territory.
<b>Appeal</b>	Can be filed against Registrar's decision to the <b><i>Intellectual Property Appellate Board</i></b> established under the Trademarks Act, 1999.
<b>Validity across the world</b>	GI are territorial and the rights can be enforced in other countries only if it is registered in that particular country.
<b>Penalty for GI infringement</b>	Imprisonment for a term of 6 months to 2 years and fine of Rs 50,000 to 2 lakhs.

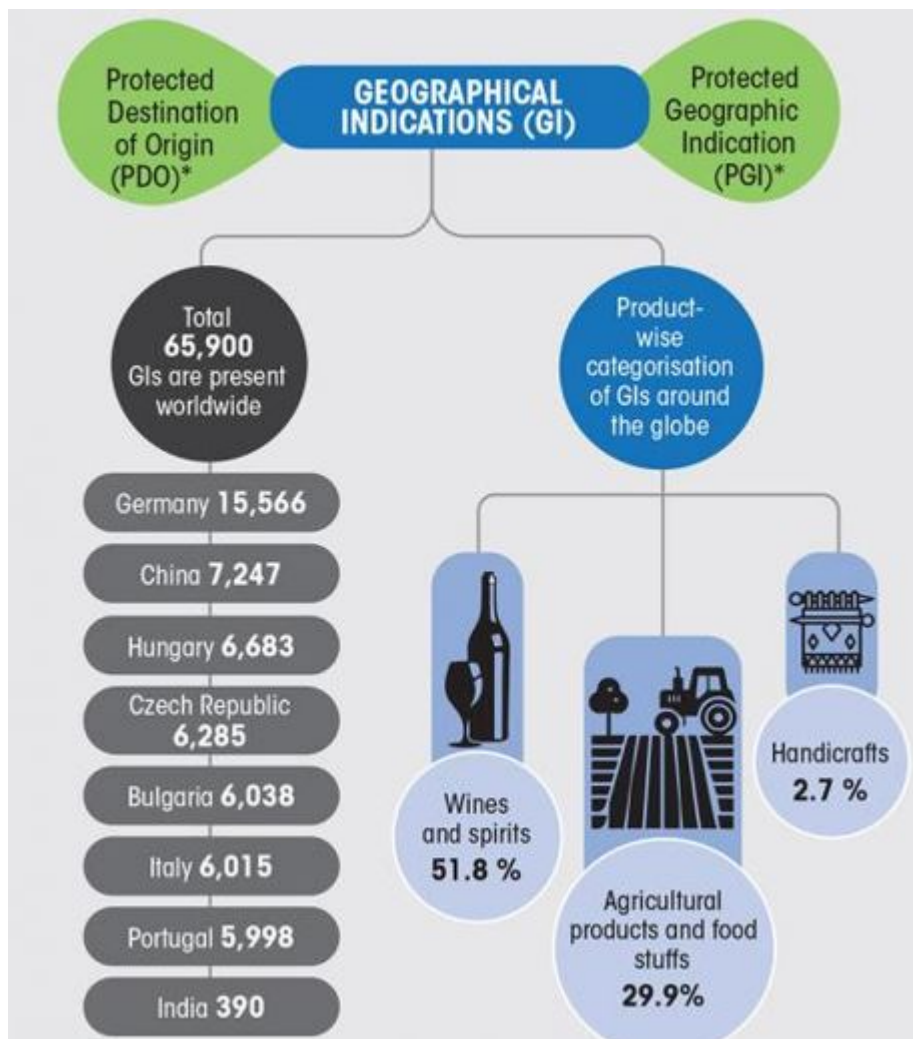
### What is the significance of conferring GI tags?

- **Legal protection**- It is unique and prevents any kind of exploitation by a third party as it is governed by the law.
- **Symbol of authenticity**- It helps consumers to get quality products and identify between fake and genuine products.
- **Economic growth**- It increases the demand for the product both at national and international markets.
- **Revenue generation**- It helps producers to obtain the title of premium goods and avail proper price in the competitive market.

### What are the concerns with GI registration in India?

- **Low registration**- India lacks in GI registration compared to other nations, India lags in GI registration.
- **Strict regulations**- As per GI registry, India received 1167 applications, only 547 products have been registered. This means the application acceptance ratio is only about 46%.
- **Geographical disputes** -It took over a decade for the famous Alphonso mango to receive GI registration due to disputes over geography.
- **Outdated law**- The Act for GI is enacted in 1999, and needs to be updated to make it more user friendly and effective.
- **Ambiguous definition**- The definition of "producers" under the law lacks clarity, which results in the involvement of intermediaries who share the benefits that go to the producers.
- **Limited classification**- In many European Union nations, GI is classified into 2 categories namely Protected GI (PGI) and Protected Destination of Origin (PDO) but India has the PGI category only.
- **International conflict**- Some countries have claimed exclusive rights to certain GIs, such as "***Darjeeling***" for tea and "***Basmati***" for rice, while others have argued that these names have become generic or that they have prior trademarks on them.

- **Lack of research-** Country wise publications is dominated by European countries and India has very limited publications.



### What lies ahead?

- **Provide incentives-** The Government should provide incentives and legal protection to the GI producers, and exclude the non-producers from the GI benefits.
- **Testing facility-** The quality and accessibility of GI products should be ensured by setting up testing labs and creating a separate tab on eNAM.
- **Holistic approach-** The government's [One District One Product](#) scheme should be integrated with GIs through the involvement of food producer organisations.
- **Leverage technology-** The Government should use technology and skill-building to enhance the capacity and competitiveness of the GI producers.
- **Special trade agreements-** EU-India agreement on GIs, can facilitate the recognition and exchange of GI products between countries that share a common interest in GIs.
- **Promotional activities-** The protection of GI products should be enhanced by organising exhibitions, involving embassies, advocating at WTO, and supporting the "vocal for local" initiative.

### References

1. [Down To Earth- Untapped potential of GI tags](#)
2. [WIPO- What is Geographical Indication](#)

