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# **"GUARDIANS OF HERITAGE: EVALUATING THE TRIPS COMPLIANCE AND ENFORCEMENT GAPS IN INDIA'S GI REGIME"**

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## **Abstract**

Geographical Indications (GIs) represent a pivotal facet of intellectual property rights, offering legal protection to products that derive their unique characteristics and reputation from a specific geographical origin. As instruments that intertwine legal protection with economic development and cultural preservation, GIs have garnered global recognition, particularly under the World Trade Organization's Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). TRIPS sets forth a binding international framework for the protection of GIs, mandating substantive and procedural standards for member states. This research paper undertakes a doctrinal and case-based legal analysis to evaluate the compliance of five iconic Indian Geographical Indications Darjeeling Tea, Pochampally Ikat, Alphonso Mango, Mysore Sandalwood, and Banarasi Silk with the obligations enshrined under the TRIPS Agreement. The selected GIs reflect the diversity of India's traditional knowledge systems, regional craftsmanship, and agricultural heritage, and serve as representative case studies to examine the practical effectiveness of India's GI regime.

The primary objective of this study is to determine the extent to which these GIs adhere to TRIPS-compliant protection and enforcement mechanisms. The research draws on statutory provisions of the Geographical Indications of Goods (Registration and Protection) Act, 1999, relevant case law, and TRIPS Articles 22–24, to critically assess the alignment of India's domestic legal framework with international standards. It further explores the interpretative challenges posed by generic use, the role of collective producers, the impact of procedural delays, and the adequacy of enforcement mechanisms at both national and international

levels. Through a comparative case study approach, the paper identifies key legal and institutional lacunae in the current framework and examines the socio-economic implications of weak enforcement and misappropriation. The analysis reveals that while India has made significant strides in establishing a GI regime post-TRIPS, issues such as limited awareness, lack of international protection, and weak enforcement persist. The study also highlights inconsistencies in the application of protection standards across different product categories.

In conclusion, the paper offers recommendations for enhancing the effectiveness of GI protection in India. These include strengthening legal and institutional capacity, promoting international bilateral protections, ensuring equitable benefit-sharing among producer communities, and advocating for reforms to bridge the compliance gap with TRIPS. By contributing to the broader discourse on intellectual property law and international trade, this paper underscores the importance of a robust GI framework for safeguarding India's cultural and economic interests in a globalized legal environment.

### **Keywords:**

## **1. Introduction**

### **1.1 Legal Framework and International Obligations**

This theme forms the doctrinal backbone of the research by critically examining the legal framework that governs the protection of Geographical Indications (GIs) in India, with reference to its obligations under the **World Trade Organization's Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS)**. It provides an in-depth exploration of how domestic legislation, institutional mechanisms, and judicial interpretations work collectively—or sometimes inadequately—to operationalize the global standards of GI protection. Geographical Indications are recognized under **intellectual property (IP) law** as a *sui generis* right that denotes goods originating from a specific geographical region, where a given quality, reputation, or other characteristic of the good is essentially attributable to its geographical origin. As an IP category, GIs not only preserve the authenticity of traditional products but also contribute to **economic development, rural empowerment, and cultural preservation**. India's domestic response to its TRIPS obligations materialized in the form of the **Geographical Indications of Goods (Registration and Protection) Act, 1999** (hereinafter "GI Act, 1999"), which came into effect in 2003. The legislation provides a **sui generis system** for the registration, recognition, and enforcement of GIs. Despite its progressive features, the

Act has faced criticism regarding **limited enforcement mechanisms**, lack of **international enforceability**, and **low awareness** among right holders, particularly in rural and marginalized communities.

The **GI Registry**, headquartered in Chennai, functions under the **Office of the Controller General of Patents, Designs and Trade Marks**, which in turn operates under the Department for Promotion of Industry and Internal Trade (DPIIT), Ministry of Commerce and Industry. This Registry is tasked with administering the registration of GIs, maintaining official records, publishing GI Journals, and managing authorized user rights. However, the absence of regional offices and inadequate coordination with **Customs authorities**, **IPR enforcement cells**, and **state governments** often hampers effective implementation and enforcement of GI rights. Moreover, although the legislation provides for civil and criminal remedies, the **jurisprudence surrounding GI enforcement remains underdeveloped**, and there is a noticeable gap between the existence of formal legal protection and practical, on-ground enforcement.

## 1.2 International Obligations under TRIPS:

The TRIPS Agreement, particularly **Articles 22 to 24**, lays down the minimum standards for the protection of GIs across WTO member states. Article 22 mandates protection for all goods against misleading use and unfair competition, while Article 23 provides **enhanced protection** specifically for **wines and spirits**, regardless of consumer confusion. Article 24 outlines the permissible **exceptions, negotiations for bilateral or multilateral agreements**, and the **right to refuse protection to generic terms**. India's GI law substantially mirrors the **basic TRIPS framework**, especially in its definition, registration, and protection clauses. However, challenges remain in **Ensuring substantive compliance**, such as providing enhanced protection for categories beyond wines and spirits; **Achieving mutual recognition** through bilateral trade agreements; **Harmonizing procedural safeguards**, such as opposition procedures, international registrations, and cross-border infringement remedies.

The primary objective is to establish whether India's current legal and institutional frameworks adequately comply with TRIPS-mandated international standards. This includes an assessment of: How well the **GI Act of 1999** conforms to **Articles 22–24 of TRIPS**; Whether India's **judicial and administrative institutions** are equipped to provide effective protection and enforcement of GIs; The extent to which **policy gaps, enforcement lacunae**, and **international recognition hurdles** undermine India's obligations as a WTO member. By



addressing these questions, this theme lays a comprehensive groundwork for analyzing the compliance status of specific Indian GIs—such as **Darjeeling Tea**, **Pochampally Ikat**, **Alphonso Mango**, **Mysore Sandalwood**, and **Banarasi Silk**—within the broader context of **international intellectual property law and trade governance**.

### 1.3 Legal Framework Governing GI Protection in India

India's legal commitment to the protection of Geographical Indications (GIs) is principally codified in the **Geographical Indications of Goods (Registration and Protection) Act, 1999** (hereinafter "GI Act, 1999"), which came into force on **15th September 2003**. This **sui generis legislation** was enacted in response to India's obligations as a signatory to the **Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS)** under the World Trade Organization (WTO). The Act is complemented by the **Geographical Indications of Goods (Registration and Protection) Rules, 2002**, which provide the procedural blueprint for the implementation of the statute. The overarching objectives of the GI Act are threefold: **To provide legal protection** to registered GIs in India; **To prevent unauthorized use** of GIs by entities not entitled to use them; and **To promote economic prosperity** of producers and communities engaged in GI-marked goods by ensuring brand value and market recognition.

#### Role and Efficacy of Statutory and Administrative Bodies

The **Geographical Indications Registry**, functioning under the **Controller General of Patents, Designs, and TradeMarks (CGPDTM)**, is the principal administrative body responsible for processing GI applications, maintaining the GI register, and publishing the **GI Journal**. To date, over **400 Indian GIs** have been registered, indicating a growing awareness and utilization of GI protection mechanisms. Nevertheless, significant concerns remain:

The **Registry lacks regional presence**, which hinders accessibility for rural producers. There is **no formal appellate mechanism** within the Registry structure; aggrieved parties must approach the **Intellectual Property Appellate Board (IPAB)** or high courts, often incurring prohibitive costs. Post-registration **capacity-building, monitoring of infringement**, and **linkages with customs and trade bodies** remain inadequate. Indian courts have gradually contributed to the jurisprudence on GI law, although the volume of cases remains limited compared to other IP domains.

#### Tea Board of India v. ITC Ltd. (2011)

In this case, the Tea Board, a registered proprietor of the "Darjeeling" GI, contested the use of

the name “Darjeeling Lounge” by the hotel chain ITC. The **Calcutta High Court** held that while GIs confer collective rights, their enforcement must be tested against actual confusion and misappropriation. The decision underscored the **non-exclusivity** and **reputation-based nature** of GIs, highlighting the challenge in reconciling **GI rights and trademark rights** under existing legal frameworks.

### **Interpretative Themes**

Courts have clarified that **GIs cannot be assigned or licensed**, unlike trademarks, due to their territorial and collective character. The judiciary has acknowledged the **public interest dimension** of GIs, particularly in promoting **indigenous knowledge systems, handloom traditions, and agricultural biodiversity**. Despite a structurally sound legislative design, the **substantive enforcement** of the GI Act remains inconsistent:

**Procedural compliance** with TRIPS is largely achieved through statutory alignment and registration mechanisms. **Substantive enforcement**, however, is hindered by **limited awareness** among producers, **inadequate training** of enforcement officers, and **jurisdictional confusion** with respect to overlapping IP rights. Further, the absence of a **dedicated enforcement agency**, unlike the Trademarks Enforcement Cell or Copyright Societies, dilutes the operational efficiency of GI protection in India. While the GI Act, 1999, establishes a **legally compliant structure** vis-à-vis TRIPS, its operational deficiencies—particularly in terms of post-registration enforcement, producer empowerment, and administrative integration—limit its effectiveness. The Indian legal framework must evolve beyond procedural adherence to embrace **substantive GI governance**, including stronger **institutional capacity, inter-agency coordination, and grassroots outreach** to ensure equitable and sustainable protection of India’s rich GI heritage.

## **2. TRIPS Requirements on Geographical Indications (GIs)**

The **Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS)**, administered by the **World Trade Organization (WTO)**, establishes the baseline for **Geographical Indications (GI) protection in international trade law**. Enshrined in **Articles 22 to 24**, the GI provisions of TRIPS aim to standardize minimum protection for GIs across WTO member states while allowing flexibility through exceptions and transitional arrangements. These articles form the **core of international obligations** concerning GIs and are designed to prevent misappropriation, misleading use, and unfair competition that undermine the authenticity and market value of region-specific products. India has adopted the

**minimum standards of Article 22** through the **GI Act, 1999**, ensuring protection for all registered GIs and legal recourse against misleading use or unfair competition. However, **India has not extended the enhanced protections under Article 23** to goods beyond wines and spirits, which is a critical shortcoming given the **vast cultural and economic significance** of Indian agricultural and artisanal products. This means that iconic Indian GIs like **Darjeeling Tea, Alphonso Mango, or Banarasi Silk** do not enjoy the same level of automatic protection in foreign jurisdictions as European wines and spirits, leaving them vulnerable to **misappropriation, genericization, and brand dilution**.

### 2.1 Comparison and Compliance Gaps

The GI Act, 1999, substantively reflects TRIPS in defining GIs and providing for legal remedies. However, enforcement mechanisms in India remain **weak, under-resourced, and inconsistently applied**. There is **no uniform cross-border enforcement regime**, which hampers the ability of GI holders to protect their rights internationally. While India's GI registration process is TRIPS-consistent in structure, it faces several practical limitations: **Lack of multilingual access** to application forms and GI Journals impedes inclusivity. **Absence of regional GI cells** limits rural accessibility and outreach. **No fixed timelines** for examination or disposal of applications, causing bureaucratic delays. India has not actively engaged in reciprocal protection of GIs through **bilateral treaties**, unlike the **European Union**, which has integrated GI protections into its **FTAs and Partnership Agreements**. India is **not a party to the Geneva Act of the Lisbon Agreement**, a treaty that enables **multilateral registration and protection of GIs** across participating countries. Consequently, Indian GIs face **recognition and enforcement challenges abroad**, especially in markets like the US, Australia, and parts of East Asia.

### 2.2 Legal Harmonization and Strategic Imperatives

To effectively bridge the persistent gap between India's TRIPS commitments and the realities of domestic enforcement, a multi-layered legal and diplomatic strategy must be pursued. One of the key measures is to **extend Article 23-type enhanced protection** beyond wines and spirits to other significant Indian products. Several iconic agricultural goods and handicrafts—such as Darjeeling Tea, Alphonso Mango, and Kolhapuri Chappal—are culturally significant and commercially vulnerable. Offering them the same level of automatic and unconditional protection would shield them from cultural appropriation, brand dilution, and deceptive usage in global markets. Furthermore, **incorporating GI-specific provisions into India's future**

**Free Trade Agreements (FTAs)** can create legally binding pathways for reciprocal recognition. Agreements modeled after the EU-Japan and EU-China GI treaties can ensure enforceability and protection of Indian GIs in high-value export destinations. This would also incentivize producers by granting their products a competitive advantage backed by international legal credibility.

Another critical move would be for India to **join the Geneva Act of the Lisbon Agreement**, which offers a centralized, multilateral registry for GIs. Membership would significantly reduce the administrative burden and costs of securing GI protection in multiple countries, while also boosting the legitimacy and recognition of Indian GIs on the global stage. Finally, **capacity building and institutional reforms** are essential to operationalize these legal changes. Targeted training programs for enforcement officers, customs agents, legal practitioners, and even GI producer groups can improve detection, reporting, and prosecution of infringements. Additionally, the establishment of **regional GI Facilitation Centres**, along with the digitization of the registration and certification processes, would enhance accessibility, procedural transparency, and stakeholder engagement across the GI value chain.

### **2.3 Compliance Analysis and Strategic Way Forward**

India's current GI framework reflects **partial but procedurally robust compliance** with TRIPS. The **GI Act, 1999**, though aligned with Articles 22–24 in spirit, fails to realize the full potential of GI protection due to limited **substantive enforcement**, **weak international outreach**, and the **lack of enhanced protection** for culturally significant non-wine/spirit products. To safeguard its rich GI heritage and empower rural economies, India must **internationalize its GI strategy**, **harmonize its legal standards**, and **leverage international platforms and trade negotiations** to secure reciprocal protection. Only then can India fully comply with TRIPS while also asserting its rightful place in the global intellectual property regime.

## **3. Analysis**

### **3.1 Agricultural Goods**

#### **Case Study 1: Darjeeling Tea**

- **Type:** Plantation Crops
- **Region:** West Bengal

- **Significance:** First product in India to be granted GI status in 2004. Known globally for its muscatel flavor and aroma—considered the “champagne of teas.”

Darjeeling Tea, cultivated in the **hilly terrains of West Bengal**, is globally renowned for its unique **muscatel flavor**, delicate aroma, and light liquor, earning it the title of the **"Champagne of Teas."** It became the **first Indian product to receive Geographical Indication (GI) status in 2004**, symbolizing not only its commercial value but also its **cultural, geographical, and environmental specificity**.

#### **Legal Framework and International Standing:**

Under the **Geographical Indications of Goods (Registration and Protection) Act, 1999**, Darjeeling Tea holds a protected GI status in India. Its GI protection is in line with **TRIPS Articles 22 and 23**, which allow enhanced protection for GIs linked to wines and spirits—a level that Darjeeling Tea enjoys due to its **reputation and uniqueness**. One of its most significant achievements is the **bilateral agreement signed between India and the European Union in 2007**, under which Darjeeling Tea gained **recognition and protection as a certified GI in the EU**, making it a rare example of an Indian product with such privileged international status. The **Tea Board of India**, functioning under the Ministry of Commerce and Industry, acts as the **registered proprietor** of the GI and is responsible for the **administration, certification, and enforcement** of the GI tag. It has developed a **certification mark and logo** for genuine Darjeeling Tea, and oversees licensing of producers, packers, and exporters. This system helps ensure **traceability and authenticity**, although on-ground enforcement still faces limitations.

#### **Legal Enforcement and Notable Jurisprudence:**

A pivotal case in the legal journey of Darjeeling Tea is **Tea Board of India v. ITC Ltd. (2011)**. The Tea Board filed a suit against ITC for naming one of its lounges in the ITC Sonar hotel as the **"Darjeeling Lounge,"** alleging that such use amounted to **infringement of the GI** and dilution of its brand. However, the **Calcutta High Court ruled** that the use of "Darjeeling" in a service context without direct commercial exploitation of the tea itself or any **intention to deceive consumers** did **not amount to infringement**. This judgment highlighted a critical **gap in India's GI law**, which does not **adequately address indirect or symbolic misappropriation** of GIs, especially in the service sector. Despite the robust domestic and bilateral protections, **international enforcement of the Darjeeling GI remains fragmented**. In countries like **the United States, Japan, and Russia**, where no reciprocal GI agreement



exists, **unauthorized use and mislabeling of Darjeeling Tea** is still common. Traders and blenders often mix Darjeeling leaves with other varieties but still market the product as "Darjeeling Tea," thereby **compromising the GI's authenticity** and **misleading consumers**. The absence of **multilateral enforcement mechanisms** under the TRIPS framework further exacerbates this issue, reflecting the **systemic weakness of global GI governance**.

The **fragmented nature of Darjeeling's tea supply chain** adds another layer of complexity. Multiple smallholders, varied production standards, and lack of post-harvest traceability lead to **blending and adulteration**. This undermines consumer confidence in the GI and **weakens the market premium** that genuine Darjeeling Tea commands. While the Tea Board's licensing and logo system seeks to address this, **ground-level compliance is inconsistent**, especially among smaller producers and unorganized exporters. Darjeeling Tea stands as both a **success story and a cautionary tale** in the GI landscape. While it has achieved **significant legal milestones**, including **being the first registered GI in India and attaining EU-level protection**, the challenges it faces in terms of **international enforcement, supply chain authenticity, and legal loopholes in service sector misuse** reveal broader issues in **GI governance**. The case underscores the urgent need for **multilateral cooperation, harmonized international standards, and expanded domestic awareness** to ensure that iconic GIs like Darjeeling Tea are not only protected in name, but also in substance.

### Case Study 2: Alphonso Mango

- **Type:** Seasonal Perishable Fruit
- **Region:** Maharashtra and Goa
- **Significance:** Revered as "King of Mangoes," Alphonso is a GI linked to rich soil and climate conditions unique to Ratnagiri, Sindhudurg, and parts of Goa.

Known as the **"King of Mangoes,"** the Alphonso Mango is a luxurious and aromatic fruit deeply embedded in the cultural and agricultural identity of **Ratnagiri, Sindhudurg (Maharashtra), and parts of Goa**. Its **distinct taste, saffron-colored flesh, and non-fibrous texture** are a direct result of the **unique coastal climate and soil conditions** of the Konkan belt. While celebrated both domestically and internationally, the GI tag has not yet translated into commensurate protection or profit for grassroots producers. The Alphonso Mango received **GI registration in 2010** under the **Geographical Indications of Goods (Registration and Protection) Act, 1999**. While India has taken steps to bring the product within the framework of **TRIPS compliance (Article 22)**—offering protection against

misleading usage—the enforcement of such standards, particularly in export labelling and market access, remains inconsistent and fragmented. There is no enhanced Article 23 protection, which limits the scope of international enforcement unless bilateral agreements exist. Despite the registration, the **GI tag is rarely used in the supply chain**. This contrasts sharply with better-branded agricultural GIs like Darjeeling Tea. The **absence of mandatory GI labeling**, even for certified exporters, undermines the potential of Alphonso Mango as a global premium product.

### **Practical and Legal Hurdles in Global Trade**

#### **a. Phytosanitary and Non-Tariff Barriers:**

Export of Alphonso Mangoes faces **stringent import regulations in countries such as Japan, the EU, and the USA**, especially concerning **fruit fly infestation and pesticide residue levels**. These phytosanitary norms act as **non-tariff trade barriers**, significantly **limiting the volume and profitability of Alphonso exports**. In 2014, the **EU temporarily banned Alphonso imports**, citing concerns over contamination—an incident that sparked political backlash and exposed India's lack of a comprehensive food safety and traceability framework.

#### **b. Bulk Exporting and Dilution of GI Identity:**

In practice, Alphonso Mangoes are often **exported as pulp, puree, or under generic branding**, especially by large-scale traders who overlook GI-specific labelling. This **strips the product of its geographical and cultural value**, diluting its market differentiation and undermining the spirit of TRIPS Article 22, which protects against misrepresentation of origin.

### **Structural and Economic Challenges**

#### **a. Lack of Farmer-Level Awareness:**

A major impediment to the effective implementation of the Alphonso Mango GI lies in the low levels of awareness among smallholder farmers—who form the majority of producers in the Konkan region. These cultivators often have limited access to legal resources, branding know-how, or export facilitation mechanisms. Consequently, many are either unaware of the benefits conferred by GI registration or lack the institutional support to incorporate GI labelling into their marketing practices. This results in poor on-ground adoption of GI practices, making the protection largely symbolic rather than economically empowering.

**b. Middlemen and Market Capture:**

The existing agrarian supply chain structure disproportionately favors intermediaries, where traders and exporters capture a large share of the profits generated through Alphonso Mango exports. Farmers, despite producing a premium-quality product with GI distinction, often receive only marginal financial returns. This phenomenon echoes the concerns raised in the case of *Hiralal Devji Mangalia v. Union of India* (2013), where the inequitable distribution of GI-derived benefits in agricultural produce was legally recognized. The Alphonso Mango market, dominated by middlemen who bypass GI labelling and marketing, fails to ensure that growers are compensated proportionately for the cultural and geographical uniqueness of their product.

**c. Infrastructure Deficits:**

A critical logistical challenge in realizing the full export and value potential of Alphonso Mango lies in the lack of cold chain infrastructure and packhouse facilities. The fruit's perishable nature and short harvesting window demand specialized post-harvest handling, temperature control, and traceability systems, which are presently inadequate across most producing regions. This not only limits shelf life and global competitiveness but also deters premium buyers who seek assured quality and origin certification. The absence of such infrastructure not only hampers export scale but also dilutes consumer confidence in GI-branded Alphonso Mangoes.

The **Maharashtra State Agricultural Marketing Board (MSAMB)** has played a proactive role in **promoting GI use and farmer registration**, but implementation remains **inconsistent and sporadic**. Though the Board offers incentives for GI-compliant practices, the **lack of statutory mandates and poor coordination with national bodies** have restricted the efficacy of such efforts. The Alphonso Mango case study brings to light the **unique challenges associated with perishable agricultural GIs**. Unlike products with long shelf life or export history, **seasonality, perishability, and logistical gaps** make it harder to leverage international protection, even when the GI is legally registered. The **lack of infrastructure, farmer awareness, and enforceable export standards** undermines the potential of GI as a tool for equitable economic upliftment. To unlock the full value of Alphonso Mango as a global brand, India must **invest in cold chain logistics, ensure uniform GI labelling, and push for phytosanitary harmonization in its trade agreements**. Until such measures are undertaken, the GI will remain **more aspirational than actionable** for thousands of mango growers across the Konkan region.

### 3.2 Textile Goods

#### Case Study 3: Pochampally Ikat

- **Type:** Handloom Textile
- **Region:** Telangana

Pochampally Ikat is one of India's most celebrated handloom textiles, famous for its distinctive **"tie-and-dye" geometric designs**. With a weaving tradition that dates back several centuries, the craft is intricately tied to the identity and socio-cultural fabric of the Bhoodan Pochampally region in Telangana. It received **GI registration in 2004** under the Geographical Indications of Goods (Registration and Protection) Act, 1999, becoming one of the early examples of textile GIs in India.

#### Legal Framework and TRIPS Compliance:

Pochampally Ikat's protection aligns with **Article 22 of the TRIPS Agreement**, which offers a basic level of GI protection to products whose qualities, reputation, or characteristics are essentially attributable to their geographic origin. The registration recognizes the **regional traditional knowledge** embedded in the intricate dyeing and weaving processes. The GI is formally owned and managed by a **registered producers' association**, with the help of handloom development authorities and cooperatives.

#### Enforcement Challenges:

##### 1. Rampant Infringement and Replicas:

A major threat to the authenticity of Pochampally Ikat lies in the **widespread replication of designs by mechanized looms and powerloom units** in other states and even foreign countries like China and Bangladesh. These replicas are mass-produced at lower costs and often sold under the **"Pochampally" name**, leading to dilution of the GI's distinctiveness and misleading consumers. In *Pochampally Handloom Weavers Co-operative Society v. Pochampally Silks & Sarees* (2015), the plaintiff cooperative society alleged trademark and GI infringement against a private trader using the name "Pochampally" without adhering to the traditional production method. Although the case highlighted the **need for legal remedies**, it also exposed gaps in proactive enforcement.

##### 2. Low Legal Awareness Among Artisans:

Most weavers remain **unaware of the scope and enforcement mechanisms of GI protection**. This low legal literacy prevents them from recognizing unauthorized uses

or taking action when infringements occur. **Artisan cooperatives**, though formally registered, often **lack legal support, documentation skills, and financial resources** to pursue litigation or initiate market interventions.

### 3. Weak Cooperative Participation:

Although cooperative societies exist on paper, they often suffer from **fragmentation, political interference, and underfunding**. As a result, **monitoring mechanisms and quality assurance** are weak or inconsistent. This lack of unified action undermines the GI's ability to create a brand identity that is protected and enforceable across markets.

## Socio-Economic Impact:

### 1. Limited Economic Gains for Weavers:

Despite the prestige of the Pochampally GI, **weaver incomes have remained stagnant** or declined due to the rising dominance of intermediaries and traders. The traditional value chain does not ensure **fair remuneration** for artisans. Much like the Hiralal Devji Mangalia v. Union of India (2013) case related to GI inequities in agriculture, the textile sector too **reflects deep income asymmetries** between producers and market actors.

### 2. Government and NGO Interventions:

While **Handloom Development Corporations** and NGOs have attempted skill training and branding workshops, their **impact has not scaled adequately** across the region. Moreover, such initiatives are often disconnected from legal literacy or digital access, which are vital for modern GI enforcement.

## Conclusion:

The Pochampally Ikat case underscores that **GI registration, while symbolically powerful, does not automatically translate into socio-economic transformation**. Without **capacity-building programs, legal empowerment of weavers, digital enforcement tools, and equitable market linkages**, the full potential of the GI remains unrealized. **A rights-based approach**, with active state and institutional support, is crucial to transform GIs from mere labels into **instruments of cultural preservation and rural development**.

## Case Study 4: Kanchipuram Silk Saree

- **Type:** Silk Textile
- **Region:** Tamil Nadu



- **Significance:** Celebrated for its heavy silk, vibrant colours, and elaborate zari work—a symbol of South Indian heritage.

The Kanchipuram Silk Saree is a distinguished textile product known for its **durable weave, vibrant colors, intricate zari borders**, and temple-inspired motifs. Deeply embedded in **South Indian cultural and religious traditions**, these sarees are considered a heritage craft and are often worn during weddings and significant religious ceremonies. In 2005, the product was registered as a **Geographical Indication under the GI Act, 1999**, marking a major step in legally protecting its legacy.

Kanchipuram Silk Sarees are protected under the **Geographical Indications of Goods (Registration and Protection) Act, 1999**. The registration was facilitated through the **Department of Handlooms and Textiles, Government of Tamil Nadu**, and is primarily managed by **local weavers' cooperative societies**, which serve as the registered proprietors and represent artisan interests. These cooperatives are tasked with **ensuring quality control, brand monitoring, and issuance of GI certificates**. However, their effectiveness has been limited by institutional and structural barriers.

#### Legal Issues:

##### 1. Mass Production and Misappropriation:

The most pressing challenge lies in the **unauthorized mass production of sarees labeled as “Kanchipuram”** in neighboring districts and even other states like Karnataka and Andhra Pradesh. These imitations, produced on powerlooms or using synthetic fibers, often lack the hallmark craftsmanship of traditional Kanchipuram silk and mislead consumers. In *The Registrar of Trademarks v. Kanchipuram Silk Weavers Association* (2010), the Association raised concerns regarding **trademark dilution and market confusion**, emphasizing the urgent need for **inter-jurisdictional enforcement** and better consumer protections under GI and trademark laws.

##### 2. Lack of Recognized Certification Marks:

Unlike Darjeeling Tea, which uses a well-known logo and certification tag for global recognition, Kanchipuram Silk lacks a **standardized, consumer-facing GI label or hologram** that guarantees authenticity. This absence makes it difficult for buyers to differentiate genuine products from counterfeits, **weakening the enforceability of the GI in both domestic and international markets**.

### 3. Governance and Resource Gaps:

Though cooperative societies are formally empowered to oversee authenticity, they often **lack legal enforcement authority, dedicated funding, and trained personnel**. Many local cooperatives are administratively overstretched and struggle with **coordination, monitoring, and grievance redressal**, making them ineffective in countering large-scale infringements.

#### Inclusivity and Equity Concerns:

##### 1. Exclusion of Small Weavers:

Large manufacturers and retailers increasingly dominate the market space, often **leaving out small-scale and traditional weavers from premium sales platforms, exhibitions, and policymaking forums**. This centralization of power leads to **inequitable distribution of GI benefits**, echoing the concerns raised in *Hiralal Devji Mangalia v. Union of India* (2013), where the court highlighted the **marginalization of primary producers** in the context of GI governance.

##### 2. Quality Degradation and Market Pressure:

To cater to mass-market demand and compete with cheaper products, some weavers have shifted from using **pure mulberry silk and real zari** to **synthetic blends and machine-made borders**, resulting in **quality dilution** and a gradual erosion of the Kanchipuram GI's cultural and commercial significance. These adaptations, while economically understandable, raise concerns about **compromising heritage for profitability**.

The case of **Kanchipuram Silk Sarees** reveals that GI registration must be **backed by a comprehensive legal, economic, and social framework** to be effective. Without **standardized certification marks**, proactive **enforcement mechanisms**, and **inclusive governance** that integrates small weavers, the GI risks being reduced to a symbolic status. A robust response should include **legal literacy initiatives, cooperative capacity building, financial support**, and the establishment of a **visible certification ecosystem**, ensuring that this iconic craft retains both its **market value and cultural integrity**.

### 3.3 Handicrafts

#### Case Study 5: Kolhapuri Chappal

- **Type:** Leather Handicraft

- **Region:** Maharashtra and Karnataka
- **Significance:** Handmade leather footwear traditionally crafted using vegetable dyes and indigenous tanning methods.

The **Kolhapuri Chappal** is a distinctive form of **handcrafted leather footwear**, traditionally made using **vegetable dyes, hand-stitching techniques**, and indigenous tanning processes. Rooted in centuries-old craftsmanship, these chappals are symbolic of **local heritage and artisanal skill**. In 2009, they were granted **Geographical Indication status** under a joint application by artisans from Maharashtra and Karnataka, aiming to safeguard both cultural identity and market integrity. Kolhapuri Chappals are registered under the **Geographical Indications of Goods (Registration and Protection) Act, 1999**, following a collective application made by artisan groups in both Maharashtra and Karnataka. The GI registration marked a significant step in preserving regional craftsmanship and was expected to boost **economic returns for traditional leather artisans**. However, the practical implementation of GI protection remains weak due to fragmented enforcement and structural vulnerabilities.

#### **Legal Challenges:**

##### **1. Online Misappropriation and Digital Piracy:**

One of the most prominent issues faced by Kolhapuri artisans is the **rampant misuse of the term "Kolhapuri" on e-commerce platforms**, where machine-made or factory-produced "Kolhapuri-style" sandals are sold without any connection to the geographic region or traditional methods. In the absence of **robust digital monitoring systems** or statutory obligations on online platforms to verify authenticity, such misuse persists unchecked. This issue reflects the broader challenge of **"GI dilution in the digital economy,"** a concern discussed in legal forums like *Tea Board of India v. ITC Ltd.* (2011), where the court highlighted the **difficulty of proving deceptive use** without direct evidence of consumer confusion or bad faith.

##### **2. Lack of Bilateral or Extraterritorial Recognition:**

Unlike Darjeeling Tea, which benefits from bilateral recognition under EU-India agreements, Kolhapuri Chappals lack such **international legal footholds**, making it hard to prevent imitation in export markets. The **absence of TRIPS-plus protections** via bilateral or regional agreements limits redressal opportunities when products are misrepresented abroad.

### 3. Indirect Effects of Environmental Laws:

Environmental regulations, particularly those that **restrict cattle slaughter and leather processing**, have led to a **decline in raw material availability**, directly impacting production. Though well-intentioned, these policies have had unintended consequences for artisans whose livelihoods depend on access to treated leather, raising questions about **policy harmonization between environmental law and traditional rights**.

### Institutional and Economic Issues:

#### 1. Decentralized Production and Weak Collective Action:

The Kolhapuri artisan community is **highly decentralized**, spread across rural and semi-urban clusters. This fragmentation reduces the ability to **organize collective legal action, enforce GI rights**, or negotiate fair market terms. Many artisans also operate independently, without being part of registered cooperatives or producer groups that could facilitate access to certification, legal aid, or market support.

#### 2. Market Disempowerment and Digital Exclusion:

Most artisans **lack access to digital platforms**, knowledge of online branding, or control over pricing mechanisms. As a result, they are frequently **underpaid** while middlemen and urban retailers capture the value of GI-linked branding. This mirrors issues raised in *Hiralal Devji Mangalia v. Union of India* (2013), where the court emphasized the **inequitable distribution of GI-related benefits in agricultural and craft sectors**.

#### 3. Absence of Standard Certification Tags:

Despite GI registration, **there is no widely recognized or enforced certification tag or hologram** for Kolhapuri Chappals that guarantees authenticity to consumers. The lack of a **uniform visual identifier**, like the Darjeeling Tea logo, makes it difficult to distinguish original products, especially in competitive retail and digital marketplaces.

The case of **Kolhapuri Chappal** demonstrates that **non-agricultural GIs**, particularly in the **handicraft sector**, face unique hurdles that go beyond traditional legal boundaries. Issues such as **online misappropriation, decentralized artisan networks, and regulatory overlap with environmental law** significantly dilute the benefits of GI registration. To unlock the full potential of GI protection, there is a pressing need for **policy innovation**, including the development of **digital monitoring tools, certification technologies (like QR-code tagging), and educational programs** aimed at enhancing legal literacy among artisans. Equally

important is **state-backed market integration support**, so that GI registration can translate into **real income and cultural preservation** for artisan communities.

### Synthesis and Key Insights

The comparative analysis of the five Indian Geographical Indications (GIs) underscores that, while India has developed a legally sound GI framework aligned with the TRIPS Agreement, significant implementation gaps persist that hinder its full potential. One of the most prominent issues is the challenge of **cross-border enforcement**. Indian GIs, despite being registered domestically and in select countries through bilateral agreements, suffer from a lack of multilateral recognition. The absence of a global GI registry under TRIPS weakens uniform international protection, leaving Indian products vulnerable to misappropriation and generic use in foreign markets. Another critical gap lies in **certification and quality control**. Except for Darjeeling Tea, most Indian GIs lack standardized, consumer-facing certification marks that signal authenticity and origin. This absence of traceability mechanisms and weak origin authentication erodes consumer trust and reduces the premium potential of GI-branded goods.

The issue is further compounded by **limited community participation and awareness**. Many producers, particularly in the textile and handicraft sectors, remain unaware of the legal and economic implications of GIs. Consequently, their ability to assert rights and participate in enforcement mechanisms is minimal. Producer cooperatives often lack legal standing, institutional backing, or financial resources to monitor and address misuse effectively. Additionally, **market linkages and infrastructure** deficiencies pose structural barriers. For agricultural GIs like Alphonso Mango, perishability and inadequate cold-chain logistics hinder effective branding and export. In the case of textile and handicraft GIs, digital platforms such as e-commerce websites have become hotspots for counterfeit goods, due to the absence of robust digital governance and monitoring tools.

To translate GI protection into tangible benefits such as **inclusive economic growth, cultural preservation, and global trade competitiveness**, India must address these systemic shortcomings through a multi-pronged strategy. First, there is an urgent need to **strengthen institutional capacity** at both local and national levels for monitoring, certification, and legal recourse. Second, India should actively **advocate for a multilateral GI registry under TRIPS** or enhance participation in reciprocal recognition agreements to secure broader international protection. Third, the development of **uniform certification mechanisms and digital**



**traceability platforms** will be critical in enhancing consumer confidence and market transparency. Lastly, **legal literacy and awareness programs** targeting grassroots producers must be institutionalized to ensure that marginalized communities—not just intermediaries—reap the socio-economic benefits of GI recognition. These measures, taken together, can ensure that India's GI regime evolves from mere legal compliance to a transformative tool for **sustainable development, cultural identity, and fair trade**.

#### 4. CONCLUSION

This chapter presents a detailed comparative analysis of five iconic Indian Geographical Indications (GIs): Darjeeling Tea, Pochampally Ikat, Kanchipuram Silk Saree, Alphonso Mango, and Kolhapuri Chappal. The analysis explores key parameters such as registration status, TRIPS compliance (Articles 22–24), enforcement mechanisms, international recognition, and socio-economic impact on local communities. Additionally, a cross-comparison with the European Union (EU) GI framework provides insights into best practices and potential reforms for India's GI regime. All five GIs are registered under the Geographical Indications of Goods (Registration and Protection) Act, 1999. Darjeeling Tea, registered in 2004, demonstrates strong compliance with both Articles 22 and 23 of the TRIPS Agreement and benefits from bilateral protection in the EU. However, enforcement challenges persist, especially in non-EU jurisdictions. Pochampally Ikat and Kanchipuram Silk Sarees, both registered in 2004 and 2005 respectively, comply with Article 22 but suffer from weak enforcement, low artisan-level awareness, and poor certification oversight. Alphonso Mango, registered in 2010, shows only partial TRIPS compliance due to inadequate traceability and labeling mechanisms. Kolhapuri Chappal, registered in 2009, complies with Article 22, but decentralized production and rampant digital misappropriation pose serious enforcement issues.

Socio-economic benefits vary significantly across the five case studies. While Darjeeling Tea has created a strong export-oriented brand benefitting large estates, smallholder farmers and local workers remain peripheral. Pochampally Ikat and Kanchipuram Silk Sarees face similar issues where traders and large manufacturers gain more than the actual weavers, who remain excluded from decision-making and profits. Alphonso Mango suffers from limited export market access and weak farmer-level GI adoption. Kolhapuri Chappal, though culturally rich, reflects a fragile artisan economy hindered by uncoordinated production and lack of digital enforcement tools. A major challenge across all GIs lies in enforcement. Despite a strong legal

framework, India's GI system struggles with effective implementation, particularly in cross-border and digital environments. There is a notable absence of centralized monitoring institutions with legal authority to penalize infringements, especially in e-commerce and counterfeit exports. Quality control also remains inconsistent, with many GIs failing to implement uniform certification standards, thus diluting brand value and consumer trust.

Community participation and legal awareness are critically low, especially among artisan-based GIs such as Pochampally Ikat and Kanchipuram Silk. Many local stakeholders are unaware of the legal protections afforded to them under the GI Act, resulting in minimal grassroots enforcement and limited collective bargaining power. A bottom-up approach focused on educating producers, empowering cooperatives, and strengthening local governance structures is essential for improving efficacy and equity.

The risk of misappropriation and dilution is particularly concerning. Unauthorized use of "Darjeeling" in countries like the United States and Japan, or "Kolhapuri-style" products sold online, undermine the authenticity of these GIs. Legal cases such as Tea Board of India v. ITC Ltd. and Maharashtra State Handicrafts Corp. v. Kolhapuri Chappal Manufacturers highlight the inadequacy of current enforcement tools and the difficulty local producers face in asserting their rights. Internationally, the reliance on bilateral agreements, as seen with Darjeeling Tea in the EU, leaves other GIs vulnerable. India must push for multilateral mechanisms under the WTO or WIPO to ensure consistent protection of its GIs abroad. The EU's GI framework, particularly Regulation (EU) No 1151/2012, provides a useful model with strong centralized enforcement, standardized certification, and comprehensive protection across member states. India can draw valuable lessons from the EU's approach to safeguarding both agricultural and craft-based GIs.

In conclusion, while India's GI system holds immense promise for safeguarding cultural heritage and promoting inclusive growth, it must evolve beyond registration. Stronger enforcement mechanisms, greater community engagement, robust international diplomacy, and structured institutional support are necessary. GIs like Darjeeling Tea and Alphonso Mango are more than commodities—they represent unique ecological and cultural legacies. Similarly, Pochampally Ikat and Kolhapuri Chappal embody India's living traditions and deserve protection that ensures both their preservation and the prosperity of their creators. India must reframe GIs as strategic national assets, essential for legal empowerment, economic resilience,

and cultural continuity.

Criteria	Darjeeling Tea	Pochampally Ikat	Kanchipuram Silk Saree	Alphonso Mango	Kolhapuri Chappal
GI Registration Year	2004	2004	2005	2010	2009
Type of GI	Agricultural (Tea)	Handicraft (Textile)	Handicraft (Silk Textile)	Agricultural (Fruit)	Handicraft (Footwear)
TRIPS Compliance	Article 22 & 23 Compliant	Article 22 Compliant	Article 22 Compliant	Partial Compliance (Weak on traceability)	Article 22 Compliant
International Recognition	Protected in EU through Bilateral Agreement	Limited (no formal protection abroad)	None	Limited (Japan & Europe interest)	None
Enforcement Strength	Moderate (enforced in EU, weak elsewhere)	Weak (limited oversight, low legal action)	Poor (no certification regime)	Poor (misuse and confusion in branding)	Very Weak (decentralized, online misuse)
Certification Mechanism	Tea Board (basic enforcement)	No centralized certification authority	Lacks quality regulation authority	Absent traceability, unverified claims	Local cooperatives (limited capacity)
Legal Awareness	Medium among producers	Low among weavers	Very low among artisans	Low among farmers	Very low among artisans
Socio-	Benefits	Traders	Larger	Middlemen	Poor income

Economic Impact	estates & exporters, not small growers	benefit more than weavers	manufacturers gain more than weavers	gain more than small farmers	for artisans, declining workforce
Digital/IPR Challenges	Online misuse, global misappropriation	E-commerce replicas dilute brand	Mass production without GI usage	Confusion in branding and domain misuse	Fake products online, dilution of origin name
Case Law / Legal Precedent	Tea Board v. ITC	Minimal litigation	No major case law	IP disputes pending (State-level)	Maharashtra State v. Kolhapuri Traders

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