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CASE STUDY ON DARJEELING TEA AS A REGISTERED GI PRODUCT

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Introduction

Geographical Indications (GIs) have emerged as an important category of intellectual property rights that protect products whose quality, reputation, or other characteristics are essentially linked to their geographical origin¹. Unlike trademarks, which identify the commercial source of goods, GIs emphasize the relationship between a product and the specific region from which it originates. This connection often reflects a combination of natural factors such as climate and soil, along with human elements like traditional knowledge and production techniques. As global trade has expanded, the need to protect such region-specific products from misuse and misrepresentation has become increasingly significant.

At the international level, the protection of geographical indications is primarily governed by the **Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), 1994**², administered by the World Trade Organization (WTO). Articles 22 to 24³ lay down the basic framework for GI protection, requiring member states to provide legal means to prevent the misuse of indications that mislead consumers or constitute unfair competition. However, the agreement also reflects certain limitations, particularly in providing higher levels of protection only to wines and spirits, leaving products like tea to depend on the general level of protection. In India, the legal recognition of geographical indications is provided under the **Geographical Indications of Goods (Registration and Protection) Act, 1999**⁴, which came into force in 2003. The Act establishes a comprehensive system for the registration and protection of GIs, aiming to promote the economic interests of producers while safeguarding consumers from

¹ WIPO, *Geographical Indications: An Introduction* (World Intellectual Property Organization, Geneva).

² Agreement on Trade-Related Aspects of Intellectual Property Rights, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1C, 1869 U.N.T.S. 299

³ TRIPS Agreement, arts. 22–24.

⁴ Geographical Indications of Goods (Registration and Protection) Act, No. 48 of 1999, India

deceptive practices. The registration of a GI grants its authorized users the exclusive right to use the indication in relation to the goods for which it is registered, thereby preventing unauthorized use by others.

Within this framework, **Darjeeling tea** occupies a unique and pioneering position. It was the first product in India to be registered as a geographical indication in 2004–05, setting a precedent for the protection of other region-specific goods⁵. Grown in the Darjeeling district of West Bengal, this tea is internationally renowned for its distinctive aroma, flavor, and quality, often described as the “Champagne of Teas.” Its reputation is deeply rooted in the specific geographical and climatic conditions of the region, as well as the traditional methods of cultivation and processing followed by local producers.

Despite its strong legal recognition and global reputation, Darjeeling tea has faced persistent challenges, particularly in the form of counterfeiting and misuse in international markets. The volume of tea sold worldwide under the name “Darjeeling” has often exceeded its actual production, raising serious concerns about the effectiveness of GI protection. This situation highlights the gap between legal frameworks and their practical enforcement, especially in a globalized market where jurisdictional limitations and varying levels of protection complicate the safeguarding of intellectual property rights.

This paper seeks to examine Darjeeling tea as a case study of a registered geographical indication, focusing on its legal protection, economic significance, and the challenges associated with its enforcement. By analyzing both the strengths and limitations of the existing GI regime, the paper aims to assess whether geographical indication protection has effectively achieved its intended objectives in the context of Darjeeling tea. In doing so, it also reflects on the broader implications for GI protection in developing countries, where such products often represent not only economic assets but also cultural heritage.

1. Darjeeling Tea: Geographical, Historical and Qualitative Identity

Darjeeling tea is cultivated in the Darjeeling district of West Bengal, situated in the lower Himalayan region of India. The history of tea cultivation in this area dates back to the nineteenth century during British colonial rule, when experimental plantations were established because of the region’s favorable climate and terrain. Over time, Darjeeling developed a global reputation for producing tea of exceptional quality⁶. The uniqueness of Darjeeling tea is closely

⁵Tea Board India, *Protection of Darjeeling Tea as Geographical Indication* <https://www.teaboard.gov.in/>

⁶ Tea Board India, *Annual Report* <https://www.teaboard.gov.in/TEABOARDPAGE/ODA=>

connected with its geographical environment. The tea gardens are located at altitudes ranging from approximately 600 to 2,000 meters above sea level, where cool temperatures, high rainfall, mountain mist, and well-drained soil create ideal conditions for slow plant growth. This slower growth is considered important because it allows the tea leaves to develop delicate flavors and aromatic compounds that are not commonly found in teas grown in other regions. In addition to natural factors, the human element also plays a significant role. Traditional methods of cultivation, careful plucking by hand, and specialized processing techniques passed through generations contribute to the identity and quality of the final product. Thus, Darjeeling tea is an example of how geography and local skill combine to create a distinctive commodity deserving of GI recognition.

The qualitative identity of Darjeeling tea is reflected in its internationally recognized taste, aroma, and appearance. It is widely known for its light liquor, floral fragrance, and the distinctive “muscatel” flavor often associated especially with second flush teas. Unlike stronger black teas produced in many other parts of the world, Darjeeling tea is appreciated for its subtle and refined character. Another important feature is its seasonal variation. The **first flush**, harvested in spring, is usually light, fresh, and delicate in taste; the **second flush**, harvested in early summer, is fuller in body and known for the prized muscatel note; while the **autumn flush** produces a smoother and more rounded flavor. These seasonal distinctions add commercial value and attract consumers seeking premium specialty teas. At present, only tea grown and processed in the recognized tea estates of the Darjeeling region may legitimately be sold as Darjeeling tea⁷. The production remains limited in quantity, which further enhances its exclusivity in the international market. For these reasons, Darjeeling tea has earned the title “Champagne of Teas,” symbolizing prestige and superior quality. Its historical reputation, environmental uniqueness, and consistent consumer recognition together form the essential basis of its geographical indication status.

2. Legal Framework Governing Geographical Indications: International and Indian Context

Geographical indications are an important form of intellectual property that protect the names or signs used on goods having a specific geographical origin and possessing qualities or a reputation connected with that place⁸. The basic idea behind GI protection is that certain

⁷ Tea Board India, *Protection of Darjeeling Tea as Geographical Indication*

⁸ Dev Gangjee, *Relocating the Law of Geographical Indications* (Cambridge University Press, 2012).

products derive their uniqueness from the environment in which they are produced and from the traditional skills of local communities. Therefore, the name associated with such goods acquires commercial value and deserves legal protection against misuse.

Unlike patents or copyrights, a geographical indication does not protect an invention or an original creative work⁹. It also differs from a trademark, which identifies the goods or services of a particular trader or company. A GI is generally a collective right used by all eligible producers within a defined geographical region who follow the prescribed standards of production. Thus, the right belongs not to a single person but to a group of authorized users connected with that region.

Under Indian law, geographical indications are defined in Section 2(1)(e) of the Geographical Indications of Goods Act¹⁰. According to this provision, a GI is an indication that identifies goods as originating or manufactured in a particular territory, region, or locality where a given quality, reputation, or other characteristic of such goods is essentially attributable to its geographical origin. This definition highlights three central elements: origin, distinctive quality or reputation, and a direct connection between the product and the place.

The legal basis for GI protection at the international level is found in the TRIPS Agreement, 1994¹¹. Articles 22 to 24 require member states of the World Trade Organization to provide legal means to prevent the use of geographical indications in a misleading manner. Article 22 provides general protection against uses that deceive consumers or amount to unfair competition. For example, tea produced outside Darjeeling should not be marketed in a way that falsely suggests that it originates from Darjeeling.

Article 23 of TRIPS provides an additional and stronger level of protection, but only for wines and spirits. Under this higher standard, even uses such as “style,” “type,” or “imitation” are prohibited when attached to protected names. This distinction has often been criticized by developing countries, including India, which have argued that products such as tea, coffee, rice, handicrafts, and agricultural goods should also receive similar protection. The Darjeeling tea case is frequently cited in support of extending stronger GI protection beyond wines and spirits. In India, GI protection is governed by the Geographical Indications of Goods (Registration and Protection) Act, 1999 and the corresponding Rules of 2002¹². The Act came into force in 2003 and established the Geographical Indications Registry in Chennai. The Registry is responsible for receiving applications, examining claims, publishing accepted applications, and

⁹ N.S. Gopalakrishnan & T.G. Agitha, *Principles of Intellectual Property* (Eastern Book Company, 2nd ed.).

¹⁰ Geographical Indications of Goods (Registration and Protection) Act, No. 48 of 1999, India.

¹¹ Agreement on Trade-Related Aspects of Intellectual Property Rights, Apr. 15, 1994

¹² Geographical Indications of Goods (Registration and Protection) Rules, 2002, India.

maintaining the register of geographical indications.

Registration under the Act gives legal recognition to the GI and enables authorized users to seek remedies against infringement. Although rights may exist through reputation even without registration in some contexts, registration significantly strengthens enforceability and provides formal evidence of ownership and authenticity. The registration is initially valid for ten years and can be renewed from time to time upon payment of the prescribed fee.

The Act also provides for the registration of authorized users, meaning producers who are entitled to use the GI in relation to the registered goods. This is particularly important because it ensures that only genuine producers from the specified geographical area benefit from the reputation attached to the indication. Unauthorized persons using the GI falsely or deceptively may face civil remedies such as injunctions, damages, or account of profits¹³.

The broader purpose of GI protection is both economic and social. Economically, it helps producers secure premium prices and distinguish their goods in competitive markets. Socially, it preserves traditional knowledge, promotes rural development, and protects cultural heritage¹⁴. In the case of agricultural products such as Darjeeling tea, GI protection also supports local employment and encourages the maintenance of quality standards.

Thus, the legal framework of geographical indications combines intellectual property principles with regional development objectives. It recognizes that the value of certain goods lies not only in the product itself but also in the history, environment, and collective reputation of the place from which it comes. This framework forms the basis for understanding the registration and protection of Darjeeling tea as one of India's most significant geographical indications.

3. Registration, Protection Mechanism and Institutional Framework

Darjeeling tea occupies a historic position in India's intellectual property regime as it became the first product to receive registration under the **Geographical Indications of Goods (Registration and Protection) Act, 1999**. It was granted GI registration in 2004–05, marking an important step in the recognition of region-based products in India. The registration legally acknowledged that the name "Darjeeling" in relation to tea signifies goods originating exclusively from the Darjeeling region of West Bengal and possessing qualities linked to that geographical area. This registration was significant not only for the tea industry but also for

¹³ V.K. Ahuja, *Law Relating to Intellectual Property Rights*

¹⁴ S. Vats, "Protection of Geographical Indications in India," 50 *Journal of Intellectual Property Rights* 23 (2015).

India's wider effort to protect traditional and agricultural products through intellectual property law. It created a model for other Indian goods such as Basmati rice, Pochampally Ikat, and Mysore Silk to seek similar recognition. By granting legal status to the name Darjeeling, the GI system aimed to prevent misuse of the reputation built by genuine producers over many decades.

The **Tea Board of India**, a statutory body functioning under the Government of India, acts as the registered proprietor and principal authority responsible for protecting Darjeeling tea¹⁵. The Tea Board developed a regulatory system to ensure that only genuine tea grown and processed within the notified tea gardens of Darjeeling could be marketed under that name. Producers, manufacturers, exporters, and dealers dealing in Darjeeling tea are required to comply with certification and licensing procedures. The Board also introduced the well-known **Darjeeling logo**, which helps consumers identify authentic products in the marketplace. In addition, mechanisms of traceability were gradually introduced to monitor the movement of tea from gardens to auctions, packaging units, and export channels. These measures were designed to preserve quality standards and maintain consumer confidence. Since Darjeeling tea is produced in limited quantities, certification also helps distinguish authentic produce from blended or falsely labeled tea sold in domestic and foreign markets.

Protection of Darjeeling tea has also extended beyond India through various international legal mechanisms. In the **European Union**, Darjeeling tea obtained recognition as a protected geographical indication¹⁶, strengthening its market identity in one of the most important tea-consuming regions. In the **United States**, where a separate GI system does not exist in the same form, protection has been sought through certification trademarks and related legal tools. The Tea Board has actively pursued oppositions and legal actions in several jurisdictions where unauthorized traders attempted to use the Darjeeling name. These efforts demonstrate that GI protection in a global market often requires multiple forms of registration and enforcement depending on the legal system of each country. While registration grants formal rights, practical protection depends upon continuous monitoring, litigation, and cooperation with foreign authorities. Therefore, the Darjeeling experience shows that GI protection is not a one-time legal event but an ongoing institutional process.

An important Indian dispute reflecting the limits of GI protection is **Tea Board of India v. ITC Ltd.**¹⁷, commonly associated with the use of the name "**Darjeeling Lounge**" by ITC for

¹⁵ Tea Board India, *Protection of Darjeeling Tea as Geographical Indication* <https://www.teaboard.gov.in/TEABOARDCSM/NzI>

¹⁶ European Commission, *Protected Geographical Indications Database: Darjeeling Tea*.

¹⁷ Tea Board of India v. ITC Ltd., Calcutta High Court <https://indiankanoon.org/doc/160420581/>

a lounge in one of its luxury hotels. The Tea Board objected to the use of the term “Darjeeling,” arguing that it diluted the reputation of the GI associated with tea. However, the controversy raised a key legal issue: whether rights in a geographical indication registered for goods can automatically extend to unrelated services such as hospitality. The dispute highlighted the distinction between protection for goods and the broader use of geographical names in commercial branding. It also demonstrated that GI rights, unlike some trademarks, may face limitations when used against sectors outside the registered category of goods. This case is valuable because it reveals that registration alone does not create unlimited monopoly rights over a geographical name. Overall, the institutional framework surrounding Darjeeling tea has been progressive and innovative, yet its effectiveness depends upon strong enforcement, clear legal interpretation, and the ability to adapt protection to modern commercial practices.

4. Economic Significance and Market Dynamics

Darjeeling tea holds a special position in both the Indian and international tea markets because of its limited production and premium reputation. Unlike mass-produced teas, Darjeeling tea is cultivated only in a small and geographically defined region, which naturally restricts the quantity available each year. Its annual production is relatively low when compared with other tea-producing regions of India such as Assam or Nilgiris. However, this limited supply has contributed to its exclusivity and higher market value. Consumers across the world often associate Darjeeling tea with refinement, authenticity, and superior taste, allowing it to command premium prices in domestic as well as export markets¹⁸. The reputation created through its GI status further strengthens consumer confidence and enables the product to maintain a distinct identity among competing teas. Thus, scarcity combined with quality has made Darjeeling tea an economically valuable commodity.

Exports have historically been an important aspect of the Darjeeling tea trade. A substantial portion of production is sold to foreign markets, particularly in Europe, Japan, and North America, where specialty tea consumption is comparatively high. International buyers are often willing to pay higher prices for certified and authentic Darjeeling tea because of its heritage value and recognized standards. The GI tag plays a significant role in this context by distinguishing genuine Darjeeling tea from ordinary tea blends marketed under misleading labels. It creates a market advantage by linking the product with a trusted geographical source. In global trade, where branding and reputation often influence purchasing decisions, the GI

¹⁸ - P. Kumar, “Economic Value of GI Products in India,” 7 *Indian Journal of Law and Economics* 61 (2019).

status of Darjeeling tea functions as a commercial asset. It also contributes positively to India's image as a producer of high-quality agricultural goods with unique regional identities.

The economic importance of Darjeeling tea is not limited to trade alone; it also has considerable social significance for the local population. The tea industry provides direct and indirect employment to thousands of workers engaged in plantation labour, plucking, processing, packaging, transport, and related services. Many families in the Darjeeling hills depend upon tea estates for their livelihood, making the industry central to the regional economy. Tea estates also support local infrastructure, housing, and community life in several areas. In this sense, the success of Darjeeling tea as a GI product can contribute to rural development and income generation¹⁹. The preservation of tea gardens is therefore linked not only with commercial profit but also with employment stability and the broader welfare of the region.

At the same time, the economic benefits arising from Darjeeling tea are not always distributed equally among all stakeholders. While exporters, traders, and premium brands may gain substantial value from the global reputation of the product, plantation workers often continue to face issues such as low wages, uncertain working conditions, and limited social security. Small producers may also face challenges in meeting certification standards or competing in international markets. This creates an important policy question: whether GI protection alone is sufficient to ensure inclusive economic growth. Although the GI tag has undoubtedly strengthened market recognition and generated commercial opportunities, its long-term success should also be measured by the extent to which local communities and workers share in the economic gains. Therefore, the market dynamics of Darjeeling tea reveal both the commercial strengths of geographical indication protection and the need for fairer distribution of its benefits.

5. Challenges, Infringement and Critical Evaluation

Despite its recognition as a geographical indication and its strong reputation in global markets, Darjeeling tea continues to face serious problems of infringement and misrepresentation. One of the most frequently cited concerns is that the quantity of tea sold worldwide under the label "Darjeeling" has often exceeded the actual volume produced in the Darjeeling region. This indicates that a significant amount of tea marketed as Darjeeling may in fact be blended tea or tea originating from other regions. Such misuse harms both consumers and genuine producers.

¹⁹ FAO, *Linking People, Places and Products: A Guide for Promoting Quality Linked to Geographical Origin* (Food and Agriculture Organization).

Consumers may pay premium prices believing that they are purchasing authentic Darjeeling tea, while legitimate producers suffer economic loss and dilution of reputation. Since the market value of Darjeeling tea depends heavily on its identity and exclusivity, unauthorized use of the name weakens the very purpose of geographical indication protection. The problem also demonstrates that registration alone does not automatically eliminate commercial misuse, especially in international markets where supply chains are complex and monitoring is difficult. A major challenge lies in the enforcement of GI rights across different jurisdictions²⁰. While India has granted statutory protection to Darjeeling tea under the GI Act, protection in foreign countries depends on their domestic laws, registration systems, and willingness to enforce such rights. Some countries recognize geographical indications through specific legal regimes, while others rely upon trademark law, certification marks, or unfair competition principles. As a result, the Tea Board of India has had to pursue separate registrations, oppositions, and legal proceedings in multiple jurisdictions. This process is expensive, time-consuming, and often uncertain. The difficulties in defining the scope of GI rights were also reflected in **Tea Board of India v. ITC Ltd.**, where the use of the expression “Darjeeling Lounge” for hotel services raised questions regarding whether protection granted to tea as a registered GI could extend beyond goods to unrelated commercial services. The international framework under the TRIPS Agreement provides only general protection for products such as tea under Article 22, whereas stronger protection under Article 23 is limited to wines and spirits. This distinction has long been criticized by developing countries, which argue that famous agricultural products should receive equal treatment. The Darjeeling case clearly illustrates the practical weakness of a fragmented global system in which producers must repeatedly defend the same reputation in different legal forums.

Apart from legal issues, Darjeeling tea also faces structural and economic challenges that affect the long-term value of the GI. Climate change has increasingly become a concern, with irregular rainfall, rising temperatures, and changing seasonal patterns affecting both yield and quality. Since the reputation of Darjeeling tea depends on delicate flavor characteristics linked to the local environment, ecological changes directly threaten its market identity²¹. At the same time, labour-related concerns continue within several tea estates. Plantation workers often face low wages, housing issues, and uncertain employment conditions. Younger generations may be less willing to continue plantation labour, creating a shortage of skilled workers in the future. Some tea gardens have also experienced financial distress or temporary closure, disrupting

²⁰ WTO, *Review of Legislation on Geographical Indications under TRIPS Council Documents*.

²¹ World Bank, *Climate Change and Agricultural Commodities in South Asia*

production and local livelihoods. These problems show that legal protection of a name cannot by itself guarantee economic sustainability. A GI product remains dependent on the health of the local production system and the welfare of the community that sustains it.

From a critical perspective, Darjeeling tea may be described as a partial success story of geographical indication protection²². It has undoubtedly achieved remarkable branding value and international recognition, transforming a regional agricultural product into a premium global commodity. The GI tag has helped preserve authenticity, differentiate the product in the marketplace, and highlight India's ability to protect region-specific goods. However, success in branding has not always translated into complete legal protection or equitable economic benefits. Counterfeiting persists, enforcement remains costly, and many plantation workers do not proportionately share in the premium value associated with the Darjeeling name. Therefore, the Darjeeling experience suggests that GI protection is most effective when combined with strong enforcement mechanisms, sustainable agricultural policies, labour welfare measures, and international cooperation. In the absence of these supporting factors, a GI may function more as a marketing instrument than as a comprehensive tool of regional development. The case of Darjeeling tea thus reveals both the promise and the limitations of geographical indications in modern trade law.

Conclusion

Darjeeling tea represents one of the most significant examples of geographical indication protection in India and remains a landmark product in the country's intellectual property framework²³. As the first product to be registered under the Geographical Indications of Goods (Registration and Protection) Act, 1999, it demonstrated how law can be used to protect the commercial value, cultural identity, and reputation of region-specific goods. The distinct quality of Darjeeling tea, shaped by the climate, soil, altitude, and traditional methods of cultivation in the Darjeeling hills, clearly justifies its recognition as a geographical indication. Its success has also encouraged the registration of many other Indian products under the GI regime.

The case study further shows that GI protection can create substantial economic advantages. Darjeeling tea has gained premium status in domestic and international markets, strengthened India's export reputation, and provided employment to thousands of workers in the region. The

²² B. Rangnekar, "The Socio-Economics of Geographical Indications," UNCTAD-ICTSD Issue Paper (2004).

²³ V.K. Ahuja, *Law Relating to Intellectual Property Rights*

GI tag has helped consumers identify authentic products and has distinguished Darjeeling tea from ordinary teas available in the market. In this sense, the registration of Darjeeling tea has been successful as a branding and market differentiation tool.

At the same time, the Darjeeling experience also reveals important limitations in the practical operation of geographical indications. Misuse of the Darjeeling name, counterfeiting in foreign markets, costly enforcement proceedings, labour concerns, and environmental challenges continue to affect the industry. The benefits arising from the global reputation of Darjeeling tea are not always equally shared by plantation workers and smaller producers. This indicates that legal recognition alone cannot ensure complete protection or inclusive economic development.

Therefore, the case of Darjeeling tea highlights both the strengths and weaknesses of the GI system. It proves that geographical indications can preserve reputation and generate economic value, but their long-term success depends upon effective enforcement, international cooperation, sustainable production practices, and fair distribution of benefits among local communities. For India and other developing countries, Darjeeling tea remains an important lesson that GI protection should function not only as a legal right or marketing strategy, but also as a tool for balanced regional development and preservation of traditional heritage.

