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A COMPARATIVE ANALYSIS ON THE LEGAL IMPLICATIONS OF GEOGRAPHICAL INDICATIONS: WITH SPECIAL REFERENCE TO INDIA, THE EUROPEAN UNION AND THE UNITED STATES OF AMERICA

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Abstract

Geographical indications sit in an odd corner of intellectual property law. They do not reward a single inventor or author, as a patent or a copyright does; instead, they protect the reputation a place has built up, over generations, through the people who work its land, its coastline or its workshops. This article looks at how three very different legal systems have chosen to protect that reputation. India relies on a dedicated statute, the Geographical Indications of Goods (Registration and Protection) Act, 1999, administered through a public register. The European Union runs a more centralised, harmonised version of the same idea, now consolidated in Regulation (EU) 2024/1143. The United States, by contrast, has never enacted a separate GI law at all, and instead folds geographical indications into its ordinary trademark system under the Lanham Act, largely through certification and collective marks. The article traces the statutory architecture, registration practice, statistics and case law of each system, before comparing them across several practical dimensions: who can apply, what standard of proof is required, how strong the resulting right is, and how disputes actually get resolved. It closes by examining a handful of recurring flashpoints — the long transatlantic argument over “generic” cheese names, the India–Pakistan dispute over Basmati rice, and the newer problem of policing GI misuse on online marketplaces — and offers a short set of practical recommendations.

Keywords: Geographical Indications, TRIPS Agreement, Comparative Intellectual Property Law, GI Act 1999, Regulation (EU) 2024/1143, Lanham Act, Certification Marks, Basmati Rice, Sui Generis Protection, WTO.

I. Introduction

A geographical indication, in the language of the treaty that made the concept binding worldwide, is a sign used on goods that come from a particular place and owe a given quality, reputation or other characteristic essentially to that origin.¹ Put more simply: Darjeeling tea tastes the way it does, and sells the way it does, because it is grown on specific hillsides in a specific climate, picked and processed by people who have done this for generations. The same is true of Champagne, Parmigiano-Reggiano, Basmati rice or Idaho potatoes. The name itself becomes valuable — valuable enough that other producers, in other places, are often tempted to borrow it. GI law exists to stop them, or at least to say when borrowing crosses a line.

What makes the subject interesting from a comparative standpoint is that the treaty which requires GI protection, TRIPS, never says how a country has to deliver it.² Members are free to protect GIs through a dedicated registration statute, through ordinary trademark law, or through the general law of unfair competition and passing off — or some mixture of the three. India, the European Union and the United States took three genuinely different routes, and the differences are not academic. They have shaped a decades-long argument between Washington and Brussels over whether “Parmesan” is a place or a type of cheese, and they left India and Pakistan without any obvious mechanism for jointly claiming Basmati rice as their shared inheritance.

This article follows the doctrinal method.³ Part II sets out the treaty background. Parts III to V walk through India, the European Union and the United States in turn — statute, registration process, numbers, and the leading cases. Part VI draws the three together and compares them directly. Part VII looks at where the systems actually collide in practice. Part VIII offers a short assessment, and Part IX closes with recommendations.

II. Treaty Background

A. *From Appellations of Origin to Geographical Indications*

Long before TRIPS, the Lisbon Agreement of 1958 protected a narrower idea, the “appellation of origin”, which required that a product's quality or characteristics be due entirely to its geographical environment, including both natural and human factors.⁴ TRIPS Article 22

¹Agreement on Trade-Related Aspects of Intellectual Property Rights art. 22.1, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1C [hereinafter TRIPS Agreement].

²TRIPS Agreement, *supra* note 1, art. 1.1 (leaving Members “free to determine the appropriate method of implementing the provisions of this Agreement within their own legal system and practice”).

³See generally Daniel Gervais, *The TRIPS Agreement: Drafting History and Analysis* (4th ed. 2012).

⁴Lisbon Agreement for the Protection of Appellations of Origin and their International Registration, Oct. 31, 1958, as revised.

loosened that standard considerably: a quality, reputation or other characteristic only has to be “essentially attributable” to origin, not wholly determined by it.⁵ That single change brought a much wider range of goods within reach of GI protection, well beyond the wines and spirits that had dominated the older European appellation tradition. The Geneva Act of the Lisbon Agreement, in force since 26 February 2020, extended the older Lisbon system to geographical indications as such and opened membership to organisations such as the European Union; the United States has not joined it.⁶

B. What TRIPS Actually Requires

TRIPS sets two different levels of protection. Article 22 is the general rule: Members must give producers a way to stop uses that mislead the public about origin, or that amount to unfair competition.⁷ Article 23 goes further, but only for wines and spirits — there, a protected name cannot be used even if the true origin is disclosed, and even if the label says “type” or “style”, and even without any evidence that consumers were actually misled.⁸ That gap between Article 22 and Article 23 is, more than anything else, why GI politics remain unsettled: developing countries, India among them, have pushed for years to extend Article 23-style protection beyond wines and spirits to products such as handicrafts and textiles, without success so far.⁹

C. Three Ways of Doing the Same Job

In practice, national approaches cluster into three broad models, each illustrated here by one jurisdiction.

Model	How it works	Example used in this article
Public registration statute	A government registry examines and certifies the link between product and place before any right exists; producers then register as authorised users of a collective right.	India (GI Act, 1999)
Harmonised supranational	A single EU regulation, applied directly across all Member States, creates one register administered	European Union (Regulation (EU))

⁵TRIPS Agreement, supra note 1, art. 22.1.
⁶Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications, May 20, 2015, in force Feb. 26, 2020.
⁷TRIPS Agreement, supra note 1, art. 22.2.
⁸TRIPS Agreement, supra note 1, art. 23.1.
⁹WTO Panel Reports, European Communities — Protection of Trademarks and Geographical Indications for Agricultural Products and Foodstuffs, WT/DS174/R (Mar. 15, 2005) and WT/DS290/R (Mar. 15, 2005).

registration	from Brussels rather than in each country separately.	2024/1143)
Ordinary trademark law	No dedicated GI statute exists. Producer groups register certification or collective marks, and enforcement is left largely to them, as with any other trademark.	United States (Lanham Act, 1946, § 4)

Table 1. Three Regulatory Models for GI Protection

III. India

A. The Statute

India, a founding WTO member, brought its Geographical Indications of Goods (Registration and Protection) Act into force on 15 September 2003, together with implementing rules issued in 2002.¹⁰ A dedicated Geographical Indications Registry sits at Chennai, under the Controller General of Patents, Designs and Trade Marks, itself part of the Department for Promotion of Industry and Internal Trade. The model is close to the European Community's own regulation of the early 1990s, which is not a coincidence: India's GI base is heavily agricultural and artisanal, and lawmakers wanted a State-verified process suited to producer groups that often lack much institutional capacity of their own.

B. Who Can Apply, and How

The Act defines a GI broadly enough to cover agricultural goods, natural goods, manufactured goods, foodstuffs and handicrafts, so long as a quality, reputation or characteristic is essentially tied to geographical origin, and — for manufactured goods — at least one stage of production happens within the defined area.¹¹ Only an association or authority representing producers can apply for registration; an individual producer cannot register a GI personally, though individuals can separately register as “authorised users” once they show they actually produce goods within the specified area. Registration lasts ten years initially and can be renewed indefinitely, in blocks of ten years, on payment of the prescribed fee.¹²

The process itself is fairly formal. An examiner reviews the application, it may go to a Consultative Group of subject experts, and it is then published in the GI Journal for four months

¹⁰Geographical Indications of Goods (Registration and Protection) Act, No. 48 of 1999, s 1(3) (India) (brought into force Sept. 15, 2003); Geographical Indications of Goods (Registration and Protection) Rules, 2002 (India), as amended in 2025.

¹¹Geographical Indications of Goods (Registration and Protection) Act, No. 48 of 1999, s 2(1)(e) (India).

¹²GI Act 1999 (India), supra note 10, § 18.

so that anyone with an objection can oppose it. If it survives that stage, it is registered. Appeals now go to the High Court, since the specialist appellate board that used to hear them was wound up in 2021.¹³

C. The Numbers

By the end of the 2025–26 financial year, India had registered 822 GIs, after adding 125 in that year alone.¹⁴ The registry grew from a single entry in 2004–05 to 370 by September 2019, 635 by March 2024, and 658 by March 2025.

Year	Cumulative registered GIs	Notable milestone
2004–05	1	Darjeeling Tea — India's first registered GI
2019 (September)	370	Registry crosses 350 mark
2024 (March)	635	Registry surpasses 600
2025 (March)	658	23 GIs added in FY 2024–25
2026 (March, FY 2025–26 close)	822	125 GIs added in FY 2025–26

Table 1A. Cumulative Growth of Registered GIs in India, 2004–2026

Uttar Pradesh leads the State-wise count with 81 registrations, followed by Tamil Nadu with 76 and Maharashtra with 55.¹⁵ The number of registered authorised users has grown from 365 to roughly 29,000 by January 2025 — a sign, probably, of both greater awareness among producers and the effect of fee cuts introduced that year.

D. The Cases That Matter

1. Tea Board, India v. ITC Ltd.

The case is still the main Indian authority for the point that GI protection under the 1999 Act is confusion-based, not a dilution-style right — the Act, unlike Indian trademark law, has no

¹³Tribunals Reforms Act, 2021, No. 33 of 2021 (India), enacted 4 August 2021 (replacing the Tribunals Reforms (Rationalisation and Conditions of Service) Ordinance, 2021), amending the Geographical Indications of Goods (Registration and Protection) Act, 1999, to abolish the Intellectual Property Appellate Board and transfer its appellate jurisdiction to the High Courts.

¹⁴Office of the Controller General of Patents, Designs and Trade Marks, Geographical Indications Registry (Chennai), List of Registered Geographical Indications (official register, as of 31 March 2026), available at <https://ipindia.gov.in>; see also BananaIP / Intellepedia, New Geographical Indications Registrations in India (April 2024–March 2025).

¹⁵Office of the Controller General of Patents, Designs and Trade Marks, Geographical Indications Registry, *supra* note 14.

separate anti-dilution provision. The Calcutta High Court had to decide whether ITC's use of "Darjeeling Lounge" for a hotel lounge infringed the registered GI "Darjeeling" held by the Tea Board.¹⁶ The Court held that it did not. Using a place name in an unrelated line of business is not, by itself, infringement; a claimant has to show consumers would actually be misled into thinking there was some connection to the geographical area.

2. Basmati Rice

The Basmati dispute shows what happens when a territorial right meets a product whose natural range straddles a border. India registered Basmati rice as a domestic GI in 2016–17, limited to districts in seven northern States.¹⁷ Pakistan, whose own Basmati-growing regions share the same alluvial belt, has opposed India's 2018 application for EU recognition on the ground that the heritage is shared and cannot fairly belong to one country alone; both countries have also opposed third-party attempts to trademark "Basmati" outside the subcontinent. No part of the current legal framework — in India, in the EU, or under TRIPS — offers a straightforward way to register a GI jointly across two countries, and that gap is exactly what has kept this dispute alive for so long.

IV. The European Union

A. From Regulation 2081/92 to Regulation (EU) 2024/1143

The European Union runs the oldest and most developed GI system among the major trading blocs. It began with Council Regulation (EEC) 2081/92, was recast in 2006 and again in 2012, and has now been consolidated — with effect from 1 January 2025 — in Regulation (EU) 2024/1143, supplemented by Commission Implementing Regulation (EU) 2025/26.¹⁸ Unlike India's Act, the EU Regulation applies directly across all Member States without any need for national legislation, and it creates one central register — the eAmbrosia database — rather than twenty-seven separate ones. A related portal, GIview, run by the EU Intellectual Property Office, covers GIs recognised through international agreements as well. Since December 2025, the same basic framework has been extended, for the first time, to craft and industrial products such as textiles and glassware.

¹⁶Tea Board, *India v. ITC Ltd.*, G.A. No. 3092 of 2010, C.S. No. 250 of 2010 (Cal. H.C. 2011).

¹⁷Agricultural and Processed Food Products Export Development Authority (APEDA), Ministry of Commerce and Industry, Government of India, Geographical Indication Registration of Basmati Rice, GI Application No. 145 (effective 5 February 2016), Geographical Indications Registry, Chennai.

¹⁸Council Regulation (EEC) No 2081/92 of 14 July 1992 (repealed); Regulation (EU) 2024/1143 of the European Parliament and of the Council of 11 April 2024; Commission Implementing Regulation (EU) 2025/26 of 6 January 2025.

B. Three Categories, Not One

EU law distinguishes three protected categories, summarised below.¹⁹

Category	Standard applied	Example
Protected Designation of Origin (PDO)	Every stage of production must take place in the defined area, and quality is essentially or exclusively due to the local environment.	Parmigiano Reggiano (Italy)
Protected Geographical Indication (PGI)	At least one stage of production happens in the area, and a quality or reputation is attributable to that origin; raw materials may come from elsewhere.	Irish Whiskey
Traditional Speciality Guaranteed (TSG)	Protects a traditional recipe or method rather than a place; no geographical link is required at all.	Mozzarella

Table 2. The Three EU Protection Categories

C. The Numbers, and Why They Matter Economically

By June 2026 the Commission had registered more than 3,700 GIs in the Union register; the 3,500th, “Corrèze”, was added in February 2023.²⁰ The last full breakdown put the total at roughly 1,867 PDOs, 1,374 PGIs and 259 spirit-drink GIs. The scale of the EU system, in economic terms, is on another order to anything discussed elsewhere in this article. The Commission's most recent dedicated study found that GI and TSG products together generated about €77.15 billion in sales in 2017 — €74.76 billion for GIs alone — roughly 7% of the entire EU food and drink sector.²¹ Wine accounted for 51% of that value, agricultural products and foodstuffs for 35%, and spirits for 13%; more than a fifth of it came from exports outside the Union.

Product category	Sales value (2017)	Share of total GI/TSG value
Wines	€39.4 billion	51%
Agricultural products and foodstuffs	€27.3 billion	35%

¹⁹Regulation (EU) 2024/1143, *supra* note 18, arts. 5–7 (defining PDO, PGI and TSG protection).

²⁰European Commission, Directorate-General for Agriculture and Rural Development, Press Release: More than 3,700 Geographical Indications Now Protected Across the EU (11 June 2026).

²¹European Commission, Study on Economic Value of EU Quality Schemes, Geographical Indications and Traditional Specialities Guaranteed (2020).

Spirit drinks	€10.3 billion	13%
Aromatised wine products	€43 million	under 1%
Total (GIs and TSGs combined)	€77.15 billion	100%

Table 2A. Composition of EU Geographical Indication Sales Value, 2017

Separate research by the EU Intellectual Property Office and the European Patent Office found that GI-intensive industries support close to 400,000 jobs across the Union and add more than €20 billion to EU GDP, with GI products making up about 15.5% of total EU agri-food exports.²²

D. The Cases That Matter

1. Parmesan

The Court of Justice has made clear, more than once, that EU protection does not depend on any showing of confusion. In *Commission v. Germany*, the Court held that Germany had breached EU law by failing to stop cheese being sold as “Parmesan”, a term the Court found evokes the protected name “Parmigiano Reggiano” even without being visually or phonetically identical to it; the test is whether an average, reasonably well-informed consumer would be reminded of the protected name, nothing more.²³ This “evocation” doctrine is what gives EU GIs their real strength, and it goes well beyond what TRIPS Article 23 actually requires for wines and spirits, let alone for everything else.

2. Feta

Feta went through a long fight before it was finally registered as a Greek PDO. Germany and Denmark argued the name had become generic and should not be registrable at all; the Court disagreed, holding that genericness has to be assessed with reference to the country of origin and to consumer perception across the whole Union, not just in the countries where the name had also come into common use.²⁴ That standard is noticeably tougher on producers who want to argue genericness than the equivalent American doctrine discussed below.

V. The United States

A. No Dedicated Statute

The United States has never passed a stand-alone GI law and keeps no separate GI register. Instead, geographical indications are protected through the ordinary federal trademark system,

²²EUIPO and European Patent Office, joint studies on IPR-intensive industries in the EU.

²³Case C-132/05, *Commission v. Germany*, 2008 E.C.R. I-957.

²⁴Joined Cases C-465/02 and C-466/02, *Germany and Denmark v. Commission*, 2005 E.C.R. I-9115.

under Section 4 of the Lanham Act, mainly by way of certification and collective marks.²⁵ A certification mark works differently from an ordinary trademark in two ways that matter for GI purposes: the owner — often a State agency or a producer association — does not use the mark itself, and the mark does not identify a single commercial source but instead certifies regional origin, or some quality, material or method of manufacture. IDAHO for potatoes, REAL CALIFORNIA MILK, and 100% NAPA VALLEY are familiar examples.

B. Genericness, and Why It Keeps Coming Up

The doctrine that shapes most of the disagreement between the United States and the EU is genericness: a geographic term that has become the everyday name for a type of product in the United States — whatever its status elsewhere — cannot function as a mark, because a generic term cannot be owned by anyone without unfairly taking ordinary descriptive language away from competitors who need it to describe their own goods.²⁶ That is why USPTO examination guidance treats names like Parmesan, Asiago, Feta, Fontina, Gorgonzola, Munster, Bologna and Swiss as generic in the United States, notwithstanding their protected status in the EU.²⁷ The USPTO's own guidance acknowledges that once the United States agrees, through a trade agreement, to protect one of these EU-origin names, American producers who have long used the equivalent common name are usually given a transition period before they have to stop. It is worth being honest about why this keeps happening. EU law treats a name's status as a protected GI at home as something that should travel with it wherever it is sold. American trademark law asks a different question — what do consumers in the United States actually understand the word to mean, however that understanding came about, including through generations of use by American producers descended from European immigrants. Those two questions do not have to produce the same answer, and often they do not.

C. The Numbers

Because GIs are simply part of the general trademark register, the USPTO does not publish a separate count of “geographical indications” the way India or the EU does — a gap that GI-exporting countries have raised repeatedly in WTO discussions about a multilateral GI register. The United States has, however, taken on GI-related commitments in various trade agreements, and separately treats a short list of wine names — Champagne, Chablis, Burgundy, Sherry and

²⁵Trademark (Lanham) Act of 1946, 15 U.S.C. §§ 1051 et seq., s 4 (codified at 15 U.S.C. s 1054).

²⁶Abercrombie & Fitch Co. v. Hunting World, Inc., 537 F.2d 4 (2d Cir. 1976).

²⁷USPTO, Geographical Indications (trademark policy page).

a few others — as “semi-generic” under Treasury regulations, meaning they can still be used domestically if the true place of origin is also stated on the label.²⁸

D. The Cases That Matter

American courts have generally treated foreign GI claims as no stronger than ordinary trademark priority. In the long-running dispute over the “Havana Club” rum mark, U.S. courts declined to give a Cuban state enterprise's claimed geographic mark any special standing, applying ordinary trademark priority rules together with U.S. sanctions law.²⁹ The broader point the case illustrates is a simple one: absent a treaty the United States treats as directly binding on its courts, a foreign GI gets no head start over an ordinary American trademark applicant.

VI. Comparing the Three Systems

Table 3 sets the three regimes side by side; Table 3A shows the difference in scale between the two dedicated registers.

	India	European Union	United States
Governing law	GI Act, 1999	Regulation (EU) 2024/1143	Lanham Act, 1946, § 4
Who holds the right	A registered association; producers separately register as authorised users	The applicant producer group; benefit extends automatically to all qualifying producers	Owner of a certification mark, usually a State agency or association, which does not itself use the mark
Who examines applications	GI Registry, Chennai	National authority, then the European Commission	USPTO, using the same process as ordinary trademarks
Standard of origin link	“Essentially attributable” to origin	PDO: exclusive link; PGI: at least one stage of production in the	No separate origin standard; governed by trademark

²⁸27 C.F.R. s 4.24 (Alcohol and Tobacco Tax and Trade Bureau).
²⁹Empresa Cubana Exportadora de Alimentos y Productos Varios v. U.S. Department of the Treasury, 638 F.3d 794 (D.C. Cir. 2011).

		area	distinctiveness and genericness doctrine
Duration	Ten years, renewable indefinitely	Indefinite, subject to continued compliance	Ten years, renewable indefinitely, subject to challenge on genericness grounds
Strength of protection	Confusion-based; no separate anti-dilution rule	Confusion not required — the “evocation” doctrine protects against mere reminder of the name	Confusion-based; several wine names remain usable if labelled “semi-generic”
Approximate register size (2025–26)	822	3,700+	No separate count kept

Table 3. India, the EU and the United States Compared

Jurisdiction	Register	Approximate size (2025–26)
India	GI Registry, Chennai (GI Act, 1999)	822 registered GIs
European Union	eAmbrosia / GView (Regulation (EU) 2024/1143)	3,700+ registered names
United States	No dedicated register — GIs are certification/collective marks within the general USPTO trademark register	No separate count published

Table 3A. Comparative Scale of Formal GI Registries

A. Who Checks the Claim Before It Becomes a Right

The most consequential difference between these three systems is not really about definitions — it is about who does the checking, and when. India and the EU both put a public authority in the position of examining and certifying the link between product and place before any private right exists at all; once registered, the entry in the register carries real weight as evidence. The United States does the opposite: the USPTO applies the same distinctiveness

and genericness tests it applies to any trademark, and the real work of establishing the reputation behind a certification mark, and then policing its use, falls almost entirely on the mark owner. In practical terms, that means an Indian or European GI holder starts from a stronger position after registration than an American certification-mark owner does, who has to stay considerably more watchful.

B. Confusion Versus Evocation

A second real difference is what counts as infringement. Indian law, under Section 22 of the GI Act, and American trademark law both ask whether consumers are likely to be confused or misled — the ordinary TRIPS Article 22 baseline.³⁰ EU law asks for less: under the evocation doctrine described above, liability can attach even without any confusion at all, so long as the disputed name calls the protected GI to mind.³¹ That already puts the EU's domestic standard ahead of what TRIPS strictly requires even for wine and spirits, and EU courts have applied it to ordinary agricultural PDOs and PGIs as well — a step India has not taken, and one the United States has resisted taking even in bilateral negotiations.

C. What Kinds of Products Are Covered

India's 1999 Act reaches further, in subject-matter terms, than the EU's traditional framework did until recently: it expressly covers handicrafts and manufactured goods — Kanchipuram silk and Channapatna toys, for example — alongside farm produce, which reflects how much of India's GI-eligible economy sits in the informal, artisanal sector. The EU's PDO/PGI/TSG system was historically limited to wine, spirits and food, though the extension to craft and industrial products that took effect in December 2025 narrows that gap considerably. American certification marks are, in principle, open to any kind of good or service, but in practice almost all geographic certification marks in active use relate to farm products — a matter of market demand rather than any legal restriction.

VII. Where These Systems Collide

A. The Argument Over “Generic” Names

Since around 2010, the EU has routinely written GI protection clauses into its trade agreements, often requiring the trading partner to restrict or phase out use of specific “common food names”

³⁰GI Act 1999 (India), *supra* note 10, s 22.

³¹Case C-393/16, *Comité Interprofessionnel du Vin de Champagne v. Aldi Süd* (2017).

that also happen to be protected EU GIs. American commentators have called this a TRIPS-plus strategy that disadvantages producers of generically named goods, and have argued it raises most-favoured-nation concerns because the enhanced protection typically applies only to names of EU origin.³² A U.S. industry coalition, the Consortium for Common Food Names, has opposed EU GI applications on this basis and lobbied against similar clauses in the EU's agreements with Canada, Mexico and Mercosur countries, arguing that such clauses favour EU incumbents over producer communities — often themselves of European immigrant descent — who have used the same names for generations.

B. Shared Heritage Across a Border

The Basmati dispute, discussed earlier, points to a gap common to all three systems: none of them has a real mechanism for registering a GI jointly across two countries. The EU's own procedure allows only one registration per name; India's Act contemplates a single, identifiable Indian applicant. That has left Pakistan defending its position in opposition proceedings rather than pursuing any constructive route to co-registration — a gap several commentators have argued should be addressed in any future multilateral GI register negotiated under TRIPS Article 23.4.³³

C. When a Name Stops Being a Place

All three systems recognise, in one form or another, that a name can lose protection by becoming generic. But the threshold differs sharply. The Feta decision shows the EU asking first about the country of origin and Union-wide perception — a standard that tends to favour continued protection. American law asks only what U.S. consumers understand the word to mean today, which is why Parmesan and Feta remain generic there. India's Act has a similar bar against registering names that are “customary in common language”, but the system is young enough that no real body of Indian genericide case law has yet developed.

D. Selling Online

A newer, and genuinely shared, problem is enforcement on online marketplaces, where mislabelled goods — fake “Darjeeling” tea, rice sold as “Basmati” that is not, sparkling wine called “Champagne” in markets with no reciprocal recognition — can be listed and shipped

³²Cato Institute, *Reign of Terroir: How to Resist Europe's Efforts to Control Common Food Names as Geographical Indications* (2022).

³³TRIPS Agreement, *supra* note 1, art. 23.4; WTO Panel Reports, *supra* note 9.

with very little oversight from the country of origin. India has begun experimenting with QR-code and blockchain traceability through APEDA and the Tea Board; the EU's 2024 Regulation strengthens Member States' enforcement duties and their cooperation with digital platforms; the United States continues to rely mainly on private civil enforcement, backed by customs seizure powers for counterfeit marks. None of the three has a fully satisfactory answer yet, and there is no treaty-level standard that ties them together.

VIII. Assessment

A few things stand out from this comparison. The choice of institutional model is not just an administrative detail — it genuinely determines how strong the resulting right is. The EU's combination of public verification and the evocation doctrine gives its GI holders the strongest protection of the three systems, though at the cost of the diplomatic friction described in Part VII. India's growth has been remarkable in volume — from a single registration in 2004 to 822 by early 2026 — but that growth has not been matched by a comparable body of enforcement case law; *Tea Board v. ITC* is still one of the few reported decisions of any real significance, and the 2025 fee reductions, welcome as they are for smaller producer groups, seem likely to widen that gap rather than close it unless enforcement capacity grows alongside registration numbers. The American approach, for its part, reflects a coherent and defensible policy choice — favouring open competition and everyday language over exclusivity for producer communities — even if it remains a persistent source of friction with trading partners who see it differently.

One gap is worth flagging on its own: the European Commission has commissioned detailed, product-by-product economic studies of its GI system; nothing comparable exists yet for India, where the economic evidence is scattered across State-level and product-specific reports rather than pulled together in one authoritative study. Given how much India's GI numbers have grown, and how much further growth the 2025 reforms are likely to encourage, that seems like a reasonable next step — both to justify the policy and to strengthen India's hand in future GI discussions with the EU and other partners.

IX. Conclusion and Recommendations

TRIPS left member countries free to choose how they protect geographical indications, and India, the EU and the United States chose three genuinely different paths. None of the three is obviously wrong; each reflects a real policy choice about who should bear the burden of

protecting a place's reputation, and how far that protection should reach. A few practical steps, however, seem worth setting out.

1. India should commission a consolidated, regularly updated study of the economic impact of its GI regime, along the lines of the European Commission's own methodology, to support evidence-based policy and strengthen its position in future negotiations with the EU, the UK and Gulf states.
2. India would benefit from a stronger body of enforcement case law, and might consider an evocation-style standard, at least for its most significant GIs such as Darjeeling Tea, Basmati Rice and Kanchipuram Silk, to close some of the gap with EU-level protection.
3. The EU and the United States should look for a negotiated, sector-specific resolution of the generic-names dispute — grandfathering long-established American producers, for instance, while still strengthening protection for new EU applications — rather than continuing to fight the same battle through successive trade agreements.
4. WTO members should revisit the stalled Article 23.4 mandate for a multilateral GI register, drawing on the technical architecture already built for eAmbrosia and India's own GI Registry, notwithstanding the United States' continuing reservations about a trademark-neutral system.
5. All three jurisdictions should work toward common, treaty-level standards for identifying and removing mislabelled goods sold through online marketplaces, an area where domestic law has developed unevenly and cross-border enforcement remains genuinely weak.
6. A workable procedure for jointly registering GIs that straddle a border — of the kind the Basmati dispute calls for — should be developed at the multilateral level, so that shared heritage does not have to be litigated country by country, indefinitely.

The differences among these three systems are not a technical curiosity; they shape market access, producer livelihoods and consumer information in every jurisdiction touched by this article. Getting this right, in the end, will not mean picking one model over the other two. It will mean finding a workable compromise that respects what each system is actually trying to protect — India's developmental and artisanal concerns, the EU's producer-community conception of intellectual property, and the American commitment to keeping ordinary language free for competitors to use — while closing the enforcement gaps that all three currently leave open.

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