

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi-Disciplinary
Peer Reviewed

www.ijlra.com

DISCLAIMER

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Managing Editor of IJLRA. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of IJLRA.

Though every effort has been made to ensure that the information in Volume II Issue 7 is accurate and appropriately cited/referenced, neither the Editorial Board nor IJLRA shall be held liable or responsible in any manner what sever for any consequences for any action taken by anyone on the basis of information in the Journal.

Copyright © International Journal for Legal Research & Analysis

EDITORIALTEAM

EDITORS

Dr. Samrat Datta

Dr. Samrat Datta Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Samrat Datta is currently associated with Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Datta has completed his graduation i.e., B.A.LL.B. from Law College Dehradun, Hemvati Nandan Bahuguna Garhwal University, Srinagar, Uttarakhand. He is an alumnus of KIIT University, Bhubaneswar where he pursued his post-graduation (LL.M.) in Criminal Law and subsequently completed his Ph.D. in Police Law and Information Technology from the Pacific Academy of Higher Education and Research University, Udaipur in 2020. His area of interest and research is Criminal and Police Law. Dr. Datta has a teaching experience of 7 years in various law schools across North India and has held administrative positions like Academic Coordinator, Centre Superintendent for Examinations, Deputy Controller of Examinations, Member of the Proctorial Board



Dr. Namita Jain



Head & Associate Professor

School of Law, JECRC University, Jaipur Ph.D. (Commercial Law) LL.M., UGC-NET Post Graduation Diploma in Taxation law and Practice, Bachelor of Commerce.

Teaching Experience: 12 years, AWARDS AND RECOGNITION of Dr. Namita Jain are - ICF Global Excellence Award 2020 in the category of educationalist by I Can Foundation, India. India Women Empowerment Award in the category of "Emerging Excellence in Academics by Prime Time & Utkrish Bharat Foundation, New Delhi. (2020). Conferred in FL Book of Top 21 Record Holders in the category of education by Fashion Lifestyle Magazine, New Delhi. (2020). Certificate of Appreciation for organizing and managing the Professional Development Training Program on IPR in Collaboration with Trade Innovations Services, Jaipur on March 14th, 2019

Mrs.S.Kalpna

Assistant professor of Law

Mrs.S.Kalpna, presently Assistant professor of Law, VelTech Rangarajan Dr.Sagunthala R & D Institute of Science and Technology, Avadi. Formerly Assistant professor of Law,Vels University in the year 2019 to 2020, Worked as Guest Faculty, Chennai Dr.Ambedkar Law College, Pudupakkam. Published one book. Published 8Articles in various reputed Law Journals. Conducted 1Moot court competition and participated in nearly 80 National and International seminars and webinars conducted on various subjects of Law. Did ML in Criminal Law and Criminal Justice Administration.10 paper presentations in various National and International seminars. Attended more than 10 FDP programs. Ph.D. in Law pursuing.



Avinash Kumar



Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of

International Law, New Delhi. He has qualified UGC – NET examination and has been awarded ICSSR – Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.

ABOUT US

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN- 2582-6433 is an Online Journal is Monthly, Peer Review, Academic Journal, Published online, that seeks to provide an interactive platform for the publication of Short Articles, Long Articles, Book Review, Case Comments, Research Papers, Essay in the field of Law & Multidisciplinary issue. Our aim is to upgrade the level of interaction and discourse about contemporary issues of law. We are eager to become a highly cited academic publication, through quality contributions from students, academics, professionals from the industry, the bar and the bench. INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN 2582-6433 welcomes contributions from all legal branches, as long as the work is original, unpublished and is in consonance with the submission guidelines.

GEOGRAPHICAL INDICATION (GI): ORIGIN, HISTORY, FUNCTIONS, BENEFITS AND RELEVANT CASE.

AUTHORED BY – JUHI GUPTA
LL.B 3RD Semester,
Amity Law School, Amity University, Patna.

ABSTRACT

In this article, I like to propose about the Geographical indications (GIs) carry important economic benefits. Firstly, Geographical indication are essential instruments to facilitate investments in high – qualities product and markets, and also promote local trade development. Secondly, Geographical indications offer an additional layer of information for consumers about the geographical origin and the quality of products they identify, in turn reducing the information asymmetries between the producers and consumers. Thirdly, the because of this information function, Geographical indications can assist in the rewarding or holding producers accountable for their products based on the additional information they convey to the market. Specifically, in this article, I suggest that the protecting geographical indication can help in promoting local products and their originality in associated knowledge as cultural expressions. In particular, Geographical indications also preserving cultural heritage and existing tradition. It also turn to promote the recognition of the heritage and tradition nationally and internationally. A few years later in 2005, another relevant convention, the convention on the Protection and Promotion of the Diversity of Cultural Expression, was the adopted by the UNESCO General Conference. Even though neither the 2003 and 2005 UNESCO Conventions are refers to the Intellectual property or Geographical Indications. Geographical indications are seem to be well suited and also protect the culture based interests under the framework established by these conventions.

INTRODUCTION

Geographical indication indicates the particular goods originate from a country, region or the locality and has some special characteristics, qualities or reputation which are attributable to its own place of origin. The connection between the goods and place becomes so famous that

any reference to the place reminds the goods being produced from there and the vice-versa. For example, the reference to district of Champagne, France brings to our mind that wine “Champagne” which is being produced there.

France was the first country to afford a protection for the geographical indication through the legal instrument the France *appellation d'origine controlee* (AOC). The legislation was founded on the concept of the protection of origin that was born out of the cries that rocked the French wine trade in early 20th century. This concept was emerged with the law of 1919 that established the geographical indications as collective IP.

Society values the creative fruits of human mind, believing that they enrich the fabric of life for all its members. Thus, a system of laws has been developed that confers right on the creators of these fruits. These rights are collectively known as **Intellectual Property Rights**.

Geographical Indications (GIs) are the first time afforded international protection as a separate branch of IP, and have simultaneously become one of the most important areas within WTO. The usurpation of the mark basmati highlights the lack of effective machinery in India for protecting GIs. Hence, Geographical Indications of Goods (Registration and Protection) Act, 1999 enacted in India along with Geographical Indications of Goods (Registration and Protection) Rules, 2000. Most commonly, a GI includes the name of the place of origin of the goods. It may be used for a wide variety of products, whether natural, agricultural or manufactured. For example, “Kanjivaram silk” denotes the product from Kanjipuram in South India, ‘Alfanso mangoes’ from Mumbai, ‘Champagne’ from France etc.

GIs are defined under Article 22(1) of the TRIPS as “indications, which identify goods as originating in a territory of a member, or a region or locality in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin”.r According to World Intellectual Property Organisation (WIPO), “a geographical indication is a sign used on products that have a specific geographical origin and possess qualities or a reputation that are due to that origin”.

ORIGIN AND HISTROY

The first GI legislation was developed in 1824 by France. In 1919, “Appellation of Origin” legislation was passed by French to expand the protection to recognise and regulate the quality

of wines and cheeses in particular region. At the same time, the other European countries began to follow the French example, many Europeans immigrating to United States. Traditionally, GIs have been used primarily to identify agricultural products that they derive their qualities from their place of production and are influenced by specific local factors, such as climate and soil. For example, Idaho potatoes or Bordeaux wines etc. agricultural products, however, are not the only products that can be or are identified by GI. Unique qualities, due to the materials and labour associated with the place where they are manufactured, have also characterized products such as Swiss watches etc. a simple geographical name merely nothing the source of origin in order to comply with Custom Regulations, including labelling such as “Made in Indonesia” is not necessarily a GI that can be protected. Watches and chocolates from Switzerland are notable exceptions. GI first gained currency in 1800s, when there was a move to define territories and organize production of special goods but the term GI was for the first time used in TRIPS agreement. Thus, at the close of 20th century, the new global economy and expansion of world trade created a conflict between the old world countries who wanted to protect their traditions, and the new world countries regarding the naming of wines and spirits.

TYPE OF GEOGRAPHICAL INDICATIONS

Traditionally, two kinds of indications of geographical origin were recognised by consumers and traders and set out in law. These are:

1. Appellations of origin
2. Indications of source.

“Appellations of origin” refers to a sign that indicates that a product originates in a specific geographic region only when the characteristic qualities of the product are due to the geographical environment, including natural and human factors.

“Indication of source” means to the indication of the origin of the product from a place or country, such as (Made in Germany) or (Product of Japan) etc. These indications do not reflect the quality of the product, rather it merely shows its origin with the object that a product with some unique characteristic should not be falsely represented as originates in a specific.

FUNCTIONS OF GEOGRAPHICAL INDICATION

The main functions of Geographical Indication (GI) are:-

1. *Tells you where a product really comes from*

Example:- Only tea grow in Darjeeling can be called “Darjeeling Tea”. It protects the

real name and place.

2. *Protects the special quality and reputation*

Products from a certain place taste or look special because of their soil, climate, or the traditional way of making them. Geographical indication says about “this product is special because it comes from here”.

3. *Help farmers / artisans earn more money*

When people trust the geographical indication name, they are ready to pay a higher price. So the real makers (farmers, craftsmen) get better income.

4. *Stop fake or copycat products*

If someone makes tea in another place and calls it “Darjeeling Tea”, its called cheating and Geographical indication stop that.

5. *Protects traditional knowledge and culture*

Many geographical indication products like Banarasi Saree, Kolhapuri chappal, or Alphonso mango etc. are made of using old family or village methods for hundreds of years. Geographical Indication saves these traditions.

6. *Help customers to choose he original things*

When you see a GI tag, you know you are buying the real, high-quality product not a fake one.

Some famous Indian examples are:-

Darjeeling Tea, Banarasi Saree, Nagpur Orange, Basmati Rice, Kashmiri Pashmina.

BENEFITS OF GEOGRAPHICAL INDICATION

The benefits of Geographical Indication (GI) are:-

Real makers earn more money:- Farmers, artisans, and small producers get better prices because people trust and pay extra for the original GI product.

Stops cheating and fake products:- No one can copy the name and sell low-quality stuff. Only the real people from that place can use the name.

Customers get the real, high-quality thing:- When you buy a GI product (like Darjeeling Tea or Alphonso Mango), you know it's genuine and tastes the way it should.

Creates jobs in villages and small towns:- More demand for GI products means more work for local farmers, weavers, and craftsmen.

Protects old traditions and skills:- Ancient ways of making things (passed down for generations) are saved because GI gives value to those methods.

Boosts tourism and pride in the region:- People want to visit famous GI places (e.g., Champagne in France, Tirupati Laddu in India), so the area becomes popular and people feel proud.

Helps the whole area grow:- Money stays in the region, schools, roads, and villages get better because the GI product brings income.

In one line:

*“GI tag = More money + More jobs + Real quality + Proud traditions
+ Happy customers!”*

CASE ON GEOGRAPHICAL INDICATION (GI)

Baramati Rice Case (Basmati Rice GI Dispute: India vs. RiceTec Inc., 1997– 2001)

Fact:-

Basmati rice is a famous long-grain, aromatic rice grown mainly in northern India (like Punjab, Haryana, Uttar Pradesh) and Pakistan. Baramati (in Maharashtra) is part of India's traditional Basmati belt, where the rice gets its special flavor from the Himalayan foothills' soil and weather.

In 1997, a US company called RiceTec tried to patent "Basmati" rice. They grew a hybrid rice in Texas, USA, that looked and smelled similar, and wanted to call it "American Basmati." This millions of tons yearly, worth billions).

India (through APEDA, the export authority) and Pakistan protested. They said Basmati is a GI—its name and quality are linked to their regions only. This was like "bio-piracy" (stealing traditional knowledge). Protests came from farmers, NGOs, and governments.

Issue:-

Can a foreign company patent and use a GI name for rice not grown in the original place? This violated TRIPS (global trade rules on IP).

Judgment (decision):-

In 2000–2001, after India's challenge, the US Patent Office (USPTO) reviewed and partially revoked RiceTec's patent. They canceled claims on the "Basmati" name and methods that copied Indian traits, but kept some on hybrid growing techniques.

RiceTec couldn't sell their rice as "Basmati" in the US.

Later, India got GI protection for Basmati under its 1999 GI Act (registered in 2013, covering 7 states including parts near Baramati). The EU also ruled only Indo-Pak rice can be called Basmati.

Outcome:-

Big win for India! It protected farmers' income, stopped fakes, and led to stronger GI laws. No one can misuse "Basmati" now.

Darjeeling Tea Case (Tea Board of India vs. ITC Limited, 2010–2011)

Fact:-

Darjeeling tea is a premium black tea grown only in Darjeeling hills (West Bengal, India). Its light, muscat flavor comes from high altitude, misty climate, and traditional hand-picking. It's India's first GI (registered in 2004 under the GI Act). The Tea Board controls the "Darjeeling" logo and name to stop fakes—over 80% of "Darjeeling" sold worldwide is counterfeit!

In 2003, ITC (a big Indian company) opened a fancy lounge (bar/restaurant) in their luxury hotel in Kolkata called "Darjeeling Lounge." It served drinks and food, including some Darjeeling tea, but was named after the place for its "elegant, hilly vibe."

Tea Board sued in 2010, saying this misuses the GI name, confuses people (thinking it's official tea-related), dilutes the brand's value, and passes off as connected to real Darjeeling tea. They wanted ITC to rename it and pay damages.

Issue:-

Does using "Darjeeling" for a hotel lounge (a service) infringe GI rights, which are for goods like tea? Is it misleading or unfair competition?

Judgment (decision):-

In 2011, the Calcutta High Court (Justice Sahidullah Munshi) ruled in favor of ITC and dismissed the case.

GI for "Darjeeling Tea" protects only tea products, not the word "Darjeeling" alone for unrelated things like hotel services. A lounge isn't a "good" like tea—it's a place for rich, smart customers who won't get confused.

No proof of bad intent by ITC; the name was used honestly since 2003 (Tea Board waited too long to sue, over 5 years, which weakens claims under GI Act).

No passing off or dilution: Hotel guests know it's not tea, and there's no competition between

tea sellers and hotels.

Court called the suit "frivolous" and fined Tea Board ₹1 lakh (about \$1,200) for wasting time.

Outcome:-

GI rights are limited to the specific product (tea here). "Darjeeling" as a place name can be used elsewhere if not misleading. This case clarified GI vs. trademarks and stopped overreach.

These cases show how Geographical indication (GI) fights protect local pride and economy but have limits—no monopoly on place names!

CONCLUSION

Geographical Indications represent a vital component of intellectual property law that helps protect unique products tied to specific regions. Geographical indications play a crucial role in the preservation of regional identities, upliftment of local economies and the authenticity of products. While there are challenges, like abuse and the cost of enforcement, the benefits of Geographical indications far outweigh the drawbacks. They provide a mechanism for protecting traditional knowledge, fostering economic development, and ensuring that consumers get authentic, high-quality products. Through recognition and promotion of value for Geographical indications, we can ensure regional products continue to grow both in local and international markets.

BIBLIOGRAPHY

1. V.K Ahuja, Law relating to Intellectual Property Rights.
2. Dr. M. Bhandari, Law relating to Intellectual Property Rights.