

Understanding Refusals in India's Geographical Indications: Trends, Challenges and Insights

Titu Ghosh, Ashok Hemanth Upputuri and Anindya Roy Chowdhury[†]
Office of DPIIT-IPR Chair, IIT (ISM) Dhanbad, Jharkhand - 826 004, India

Received: 9th April 2025; revised: 10th June 2025

This paper examines the reasons behind Geographical Indication (GI) application refusals in India, analyzing legal, procedural, and regional factors. By comparing rejected and approved applications, it identifies key gaps in documentation, geographical linkage, and applicant capacity. The study highlights how these challenges disproportionately affect grassroots producers and cooperatives. It also reflects on the divergence between India's heritage-focused GI approach and the commercially driven European model. Drawing on these insights, the paper offers policy recommendations aligned with the Draft National GI Policy to strengthen support systems, simplify procedures, and enhance inclusivity in the GI registration process.

Keywords: Geographical Indications (GI), Application Rejection, Legal and Procedural Barriers, Documentation Gaps, Geographical Linkage, Draft National GI Policy

Geographical Indications (GIs) serve as an essential tool for recognizing and protecting the unique qualities of region-specific goods, contributing to the economic and cultural heritage of various communities.¹⁻³ By granting legal recognition to goods with distinct geographical origins, GIs provide economic benefits to producers, enhance marketability, and prevent unauthorized usage. India, with its diverse agricultural, handicraft, and industrial heritage, has seen a substantial rise in GI applications since the enactment of the Geographical Indications of Goods (Registration and Protection) Act, 1999.⁴ This growing interest underscores the importance of a robust and efficient registration system. Despite the growing interest in GI registrations, a significant number of applications face rejection. Such rejections not only hinder the recognition of indigenous goods but also highlight gaps in the application process and awareness among stakeholders regarding the requirements and criteria.

This paper aims to analyze the patterns of GI refusals in India by examining state-wise distributions, category-specific trends, and the legal and procedural reasons leading to rejections. Through this study, we seek to identify key challenges and propose policy measures that can improve the GI registration framework, ensuring better support for

applicants and enhanced protection for India's rich geographical heritage.

Methodology

This study utilizes secondary data collected from the official GI Registry of India up to March 20, 2025.⁵ It classifies refusals based on categories, legal grounds, and regional variations. Qualitative insights from applicant experiences and legal analysis further enrich the findings.

Results

A Geographical Indication is a crucial legal instrument that provides protection to regional products and plays a significant role in preserving the cultural heritage of a nation. Since the enactment of the GI Act in 1999, a total of 658 GI products have been registered in India as on 20th March 2025, out of which 37 registered GIs are from foreign countries. It is also observed that 53 GI applications were refused, 32 were withdrawn by the applicants themselves, and 28 were marked as abandoned due to inactivity. Notably, none of the applications filed from foreign countries were refused.

The process of GI registration has been elaborated in Chapter III of the GI Act, 1999 (Procedure for and Duration of Registration), where the grounds and classification of failed applications are clearly outlined. Following are the types of applications that may result after the submission of a GI application.

[†]Corresponding author: Email: ani.rc.29@gmail.com

- (i) A refused application refers to a case where the application does not meet the prescribed criteria, and the Registrar rejects it on specific legal grounds as per Sections 9, 11, and 13 of the GI Act.
- (ii) An abandoned application occurs when the applicant fails to complete the required steps within the prescribed timeline. In such cases, the application is treated as closed as per Rule 31 of the GI Act.
- (iii) A withdrawn application refers to a situation where the applicant voluntarily withdraws the GI application before it reaches the final stage of registration.

State-wise Distribution of Refusals

The primary objective of this research is to analyze and classify the key reasons behind the refusal of the

S. No.	Information of GI applications	Number of GI applications
1	Registered	658
2	Refused	53
3	Withdrawn	32
4	Abandoned	28
5	Pending	707
	Total	1478

53 GI applications that will enable us to understand the actual context and trends of GI refusals, which may help guide a more effective, well-structured, and successful GI registration process in the future. To give a bird eye view of the situation, we are providing Table 1 that shows the total number of GI applications received, refused, withdrawn, abandoned, and pending respectively. The Data was collected from the official GI registry website on March 20, 2025.

Various states across the country participated by applying for GI registration. It is noted that the refused GIs came from applications made by 17 states. Among them, the highest number of refusals were seen in states like Assam, Maharashtra, Goa, Arunachal Pradesh, Mizoram, and Andhra Pradesh (Table 2).

Assam has the highest number, with 9 out of 53 total refused GIs, accounting for 16.98% of all refusals. This is followed by Maharashtra with 8 refusals, and Goa and Mizoram with 5 refusals each, which make up 15.09% and 9.43%, respectively. Following are the main reasons for the refusals.

1 In most cases, the main reason behind GI registration refusal is the applicant's inability to prove the good's historical data, origin, and reputation.

2 There is also a lack of essential information required to prove the GI status, and in many cases, the goods did not qualify under Section 2(1)(e) of the GI

S. No	State	Agricultural	Natural	Handicraft	Foodstuff	Manufactured	Total
1	Assam	02	0	07	0	0	09
2	Maharashtra	0	0	06	02	0	08
3	Goa	0	0	03	01	01	05
4	Mizoram	05	0	0	0	0	05
5	Arunachal Pradesh	04	0	0	0	0	04
6	Andhra Pradesh	02	0	01	01	0	04
7	Tamil Nadu	0	0	01	01	01	03
8	West Bengal	0	0	01	02	0	03
9	Kerala	0	0	02	0	0	02
10	Uttar Pradesh	0	0	02	0	0	02
11	Manipur	01	0	01	0	0	02
12	Haryana	01	0	0	0	0	01
13	Odisha	0	0	0	01	0	01
14	Jharkhand	0	0	01	0	0	01
15	Gujarat	0	0	01	0	0	01
16	Uttarakhand	01	0	0	0	0	01
17	Tripura	01	0	0	0	0	01
	Total	17	0	26	08	02	53

Table 3 — Goods-wise refused GI in India

S. No.	Category of Goods as per Section 2 (f)	Number of refused GIs applications
1	Handicraft	26
2	Agricultural	17
3	Foodstuff	08
4	Manufactured	02
5	Natural	0
Total		53

Act, 1999. Section 2(1)(e) GI Act defines “*Geographical Indication*”, in relation to goods, means an indication which identifies such goods as agricultural goods, natural goods or manufactured goods as originating, or manufactured in the territory of a country, or a region or locality in that territory, where a given quality, reputation or other characteristic of such goods is essentially attributable to its geographical origin.”¹

3 In some instances, there were procedural errors in the affidavits submitted by the applicant associations or organizations—questioning the credibility of the applicant. According to Section 11(1) of the GI Act, 1999 – “*Any association of persons or producers, or any organization or authority established by or under any law currently in force, representing the interests of the producers of the concerned goods, who are desirous of registering a geographical indication in relation to such goods, may apply in writing to the Registrar in the prescribed form, manner, and along with the prescribed fees for the registration of the geographical indication.*”²

This rejection pattern shows that there is a need to raise GI awareness among the producers and authorized users. GI awareness programs, skill-building initiatives, and process simplification measures are the need of the hour. These steps would positively contribute to the preservation of traditional knowledge and the protection of local economies.

Category-wise Distribution of Refusals

According to Section 2 (1)(f) of the GI Act, 1999, “*goods*” means any agricultural, natural or manufactured goods or any goods of handicraft or of industry and includes food stuff.”³ Table 3 shows that among the 53 refused GIs, the highest number (26) of

refused GIs are handicraft goods, which accounts for 49.05% of the total refused GIs. This is followed by 17 agricultural goods and 8 foodstuff goods, making up 32.07% and 15.09%, respectively. However, an interesting observation is that none of the natural goods were refused. Additionally, the number of refusals for manufactured goods is also very minimal, which can be seen as an encouraging sign.

Handicraft goods

The primary shortcoming observed behind the higher rate of refusals for handicraft goods is as following:

- (i) The applicants were unable to establish the historical data, origin, and reputation of the goods.
- (ii) In some cases, it was found that the good did not qualify as a Geographical Indication under Section 2(1)(e) of the Act.
- (iii) Moreover, there was no mention of the specific characteristics, production process, or uniqueness of the good.
- (iv) Information regarding the climatic linkage, special skills of the artisans, inspection body for quality control, and proof of the applicant's legal status were also inadequately provided.
- (v) In some cases, applications have been rejected under Section 9(a) of the GI Act. According to this section, *geographical indication shall not be registered if it is likely to deceive or cause confusion*. The use of which would likely deceive or cause confusion.

Agricultural goods

The primary reasons for the rejection of GI applications for agricultural goods are quite similar to those for handicraft goods.

- (i) In these cases, applicants failed to provide accurate and adequate information to establish the historical background, origin, and reputation of the good.
- (ii) In some instances, it was found that the goods do not qualify as a Geographical Indication under Section 2(1)(e) of the GI Act, 1999.
- (iii) The applications did not adequately present the special characteristics, uniqueness, and strong geographical link of the GI goods.
- (iv) Furthermore, the roles of human creativity and environmental factors such as soil, water, and climate—which are crucial in defining the

distinctiveness of the good—were not clearly or comprehensively described.

- (v) Important information regarding the production process—such as sowing dates, harvesting periods and techniques, storage conditions, use of pesticides and residual levels in the final goods, and quality standards at different stages—was not provided in detail.
- (vi) The contributions of human resources, traditional methods, and local technical knowledge were also overlooked in the application process.
- (vii) The requirement to submit two copies (one original and one certified) of a territorial map of the GI production area, clearly marking the boundaries along with latitude and longitude (in A4/A3 size), approved by a competent legal authority, was not fulfilled in many cases.
- (viii) Moreover, the notarized affidavit submitted to establish the applicant's authority to represent the concerned association or organization also lacked key information. For example, the date, month, and year of execution were not clearly mentioned; nor were details of the organization's approximate annual turnover or the steps taken to protect the interests of producers.

Food stuff

In the case of refused foodstuff applications (Table 4), it is observed that

- i. applicants failed to establish the historical origin and reputation of the goods.
- ii. The detailed specifications of the GI goods, production process, and practices related to quality and hygiene were not adequately presented.
- iii. The uniqueness of the goods was not clearly explained, and a comparative analytical report to support this uniqueness was required but not submitted.
- iv. The relationship between the goods and its associated geographical area, environmental factors, and local human expertise was also not properly analyzed.
- v. There is also a noticeable absence of an independent and impartial inspection agency to oversee quality control and proper use of the GI tag within the designated GI region.

Legal and Procedural Reasons for Refusal

Table 4 shows the details of refused GI applications and the reasons for their refusals. Understanding the legal and procedural grounds on which a Geographical Indication (GI) application may be refused is essential for applicants aiming to safeguard their product identity. Rejections often stem from substantive legal deficiencies or procedural lapses during the application process. The following are the most common grounds:

Lack of Historical or Documentary Evidence

As per Section 11(1) of the GI Act, applicants are required to demonstrate that the product derives its origin and reputation from a specific geographical territory. Failure to submit historical records, literature, market recognition, or documentation to prove a product's traditional use, historical continuity, or cultural association with the claimed region often leads to refusal.

Absence of Clear Geographical Linkage

The cornerstone of GI registration is the "linkage" between the quality, reputation, or other characteristics of the product and its geographical origin. As defined in Section 2(1)(e) of the Act, a GI must indicate such a connection. Applications that are vague or fail to demonstrate how the region's climate, soil, or traditional know-how influence the product's qualities are typically denied.

Insufficient Distinctiveness or Generic Nature

Under Section 9(a), a GI application shall not be registered if it is of a generic nature—i.e., if it is a common term used in trade or public perception and does not denote a specific geographical origin. This includes cases where the proposed GI has become generic through use, such as "Basmati" used for any long-grain rice without regional specificity.

Conflict with Earlier Registered GIs or Trademarks

Applications that conflict with existing GIs or are misleading in nature (Section 9(b))—especially those that may create confusion or imply a false origin—are liable for rejection. Additionally, overlaps or similarity with prior trademark registrations under the Trade Marks Act, 1999, may lead to oppositions and refusal.

Third-party Oppositions

As per Section 14 and Rule 41, once an application is published in the GI Journal, any person may file an

Table 4 — Refused Geographical Indications (GI) applications in India

S. No.	State	Goods name	Application No.	Type of goods	Reason for Refusal
1	Assam	Assam Elephant Apple	603	Agricultural	The goods does not qualify as a Geographical Indications as per section 2(1)(e) of the Act and The applicant has failed to prove the historical data or not proved the good is GI.
2		Bamboo Shang Trop	444	Handicraft	The applicant failed to prove the historical origin and reputation of goods with supporting documents.
3		Karbi Textiles Products	441	Handicraft	The applicant failed to prove the historical origin and reputation of goods with supporting documents.
4		Kauna Reed Craft	446	Handicraft	The applicant has failed to prove contents of
5		Larnai Clay Pottery	443	Handicraft	application for a GI.
6		Leteku	600	Agricultural	The applicant failed to prove the historical origin and reputation of goods with supporting documents'
7		Sarthebari Bell Metal Crafts	440	Handicraft	The applicant failed to prove the historical origin and reputation of goods with supporting documents. The goods and nothing was proved regarding the uniqueness of the goods to achieve a GI Tag.
8		Sital Pati Mats & Crafts of Goalpara	442	Handicraft	The applicant failed to prove the historical origin and reputation of goods with supporting documents.
9		Stone Carving Craft	445	Handicraft	The applicant has failed to prove that the goods is qualified to be a Geographical indication. The applicant failed to prove the historical origin and reputation of goods with supporting documents.
10	Maharashtra	Banjara Handicrafts and Mirror Work	166	Handicraft	The goods has already been submitted by another applicant, and it has been registered as a GI.
11		Bell Metal Ware of Datia and Tikamgarh (Logo)	504	Handicraft	logo already registered got wide publicity and impression among the general public.
12		Copperware of Pune	394	Handicraft	The applicant has not fulfilled the fundamental requirements for registration as per the Act. The applicant failed to prove the historical origin of goods.
13		Kolhapuri Masala	475	Food Stuffs	The applicant has failed to prove the historical data. There is a lack of information regarding the specific characteristics of the goods, its production process and methods, its quality and hygiene practices, and no information has been provided about the skill of the workers involved.
14		Leather Toys of Indore (Logo)	506	Handicraft	This logo already registered got wide publicity and impression among the general public. Registration of subsequent logo for the same goods will certainly cause confusion among the end users.
15		Silver Craft of Hupari	392	Handicraft	The applicant failed to prove the historical origin of goods. The applicant has failed to prove that the goods is qualified to be a Geographical indication.
16		Solapur Chutney	469	Food Stuffs	The applicant has failed to prove the historical origin and reputation. There is a lack of information regarding the specific characteristics of the goods, its production process and methods, its quality and hygiene practices, and no information has been provided about the skill of the workers involved.

(Contd.)

Table 4 — Refused Geographical Indications (GI) applications in India (Contd.)

S. No.	State	goods Name	Application No.	Type of goods	Reason for Refusal
17	Goa	Terracotta of pen	391	Handicraft	The applicant has failed to prove that the goods is qualified to be a GI.
18		Azulejos Painting of Goa	395	Handicraft	The applicant failed to prove the historical origin of goods
19		Coconut Carving of Goa	396	Handicraft	
20		Coconut Vinegar	646	Food Stuffs	The goods do not qualify as a Geographical Indications as per Section 2 (e) of GI Act, 1999.
21		Crochet Craft of Goa	393	Handicraft	It is observed that the applicant has failed to establish that the goods qualify as a Geographical Indication. The applicant has also failed to prove the historical origin of goods.
22	Mizoram	Goan Coconut Feni	615	Manufactured	The indication is newly coined term and it is not qualified to obtain the GI Tag.
23		Mizo Banana (Long Cavendish)	637	Agricultural	The goods do not qualify as a Geographical Indications as per Section 2(1)(e) of the Act.
24		Mizo Chow-Chow	634	Agricultural	The applicant failed to prove the historical origin of goods.
25		Mizo Hatkora	632	Agricultural	
26		Mizo Phuihnam	631	Agricultural	
27		Passion Fruit	633	Agricultural	Same as above and Failure to establish that the applicant is an organization or authority constituted under any law (as required under Section 11). Omission of approximate annual turnover, which reflects economic relevance. Lack of clarity on how producers' interests are protected. Affidavits submitted without date, month, and year of execution, rendering them procedurally invalid.
28	Arunachal Pradesh	Dekang	639	Agricultural	The indication is newly coined term and it is not qualified to obtain the GI Tag. The goods do not qualify as a Geographical Indications as per Section 2(1)(e) of the Act. The applicant has failed to prove the historical data and the goods uniqueness. The application states that it is a natural forestry goods, requiring no human skill or intellectual creation, making it ineligible for a GI tag.
29		Oyik	596	Agricultural	The indication is newly coined term and it is not qualified to obtain the GI Tag.
30		Rahre	597	Agricultural	
31		Tapil	595	Agricultural	The goods do not qualify as a Geographical Indications as per Section 2(1)(e) of the Act. The applicant has failed to prove the historical data and origin.
32	Andhra Pradesh	GCC Araku Valley Coffee	547	Agricultural	The goods do not qualify as a Geographical Indications as per Section 2(1)(e) of the Act. The applicant has failed to prove that the goods is qualified GI. The applicant has failed to prove the historical data and origin.
33		Girijan Honey	549	Food Stuffs	The goods do not qualify as a Geographical Indications as per Section 2(1)(e) of the Act.
34		Girijan Turmeric Powder	548	Agricultural	The applicant has failed to prove the historical data and origin.

(Contd.)

Table 4 — Refused Geographical Indications (GI) applications in India (Contd.)

S. No.	State	goods Name	Application No.	Type of goods	Reason for Refusal
35		Machilipatnam Imitation Jewellery	460	Handicraft	
36	West Bengal	Krishnagar Sarbhaja	580	Food Stuffs	The applicant has failed to prove that the organisation is qualified to file the application for filing GI application
37		Krishnagar Sarpuria	579	Food Stuffs	
38		Solapith Crafts of Birbhum District	448	Handicraft	
39	Tamil Nadu	Rajapalayam Lock	411	Manufactured	The applicant failed to prove the historical origin and reputation of goods with supporting documents.
40		Thanjavur Marakudrai	483	Handicraft	The goods do not qualify as a Geographical Indications as per Section 2(1)(e) of the Act. The applicant has failed to prove the historical data and origin.
41		Thiruvaiyaru Asoka Halwa	485	Food Stuffs	The applicant was unable to provide the required information or evidence properly.
42	Kerala Kerala	Kalpetta Bamboo Craft	575	Handicraft	The indication is newly coined term and it is not qualified to obtain the GI Tag. The applicant was unable to provide the required information or evidence properly.
43		Thikkinampallil Aranmula Kannadi	535	Handicraft	similar GI tag (GI No.3 Aranmula Kannadi) is already registered and objections under Section 9(a) of the GI Act.
44	Manipur	Manipur Dolls and Toys Craft	447	Handicraft	The applicant has failed to prove the historical origin and reputation.
45		Siroi Lily	591	Agricultural	The indication is newly coined term and it is not qualified to obtain the GI Tag. The goods do not qualify as a Geographical Indications as per Section 2(1)(e) of the Act. The applicant has failed to prove the historical data and origin.
46	Uttar Pradesh	Lucknow Bone Carving	573	Handicraft	The applicant failed to prove the historical origin and reputation of goods and Process and method etc.
47	Uttar Pradesh	Lucknow Chikan Craft (Logo)	578	Handicraft	Lucknow Chikan craft is already got registered. There are four joint applicants in the registered GI application, including the present applicant. Any amendments, additions, or deletions must be made collectively, but only one applicant has filed this application.
48	Haryana	Basmati Rice	14	Agricultural	The Applicant has not fulfilled the requirements for Registration as per Geographical indications of goods. Basmati rice is produced in at least six Indian states, but the society primarily represents producers from Karnal District, Haryana, not those from other regions.
49	Orissa	Ganjam Goat Ghee	175	Food Stuff	The applicant has failed to prove the historical origin and reputation. There is a lack of information regarding the specific characteristics of the goods, its production process and methods, its quality and hygiene practices, and no information has been provided about the skill of the workers involved and relationship between the Geographical area.

(Contd.)

Table 4 — Refused Geographical Indications (GI) applications in India (Contd.)

S. No.	State	goods Name	Application No.	Type of goods	Reason for Refusal
50	Jharkhand (New Delhi)	Kansi Grass Products	528	Handicraft	The applicant failed to satisfy the requirement of Sec 2(1)(e) of the GI Act. The applicant failed to provide documentary evidence establishing the reputation of the goods and their historical linkage with the claimed geographical area.
51	Gujarat	Otho Dongo	570	Handicraft	The indication is newly coined term and it is qualified to be a trademark and suggested to refuse. Applicant has failed to prove the contents.
52	Tripura (Assam)	Tripura Jackfruit	638	Agricultural	The indication is newly coined term and it is not qualified to obtain the GI Tag and
53	Uttarakhand	Uttarakhand Jyan Salt Tea	649		The goods do not qualify as a Geographical Indications as per Section 2(1)(e) of the Act. The applicant has failed to prove the historical data and origin.

opposition within three months (extendable by one month). Oppositions usually cite:

1. Prior use or registration
2. Misleading claims
3. Lack of qualification as a GI
4. Absence of collective interest or public benefit
5. A successful opposition, especially one that highlights a lack of public interest or unauthorized claims, may result in refusal.

Non-compliance with Procedural Requirements

Procedural errors such as:

1. Incomplete submission of Form GI-1
2. Inadequate representation or mapping
3. Failure to respond to examination reports under Rule 33
4. Not filing counter-statements in time under Rule 43

can lead to abandonment or refusal. Ensuring timely compliance and thorough documentation is thus critical.

Comparison with Similar Type of Good that was Approved

A comparative analysis between successful and refused GI applications clearly reveals the factors that contribute to the success of an application and the deficiencies that lead to its rejection. We have chosen two categories, viz., Agriculture and Foodstuffs—to facilitate discussion on why one was successful while the other was not.

The comparison between the successful Agriculture GI “Darjeeling Tea” and the refused GI

“GCC Araku Valley Coffee,” and the successful Foodstuff GI “Bardhaman Sitabhog” and the refused GI “Krishnagar Sarbhaja,” helps identify the shortcomings responsible for rejection.

1. Comparing the final order for registered GI 'Darjeeling Tea' and refused GI 'GCC Araku Valley Coffee':

(i) Darjeeling Tea has a long-standing history and reputation, dating back to the British era in 1835. It enjoys substantial international recognition and fame[6]. As stated in the Extract of Gazetteer of the Darjeeling District by Arthur Jules Dash published in 1947, Chapter VI describes the history of the tea industry in Darjeeling. In contrast, while the GCC Araku Valley Coffee enjoys some regional popularity, its historical evidence and fame are not specifically presented.

(ii) Darjeeling Tea's geographical linkage is clearly established. The unique taste is influenced by the Himalayan climate and terrain, making the good distinctive. *“The distinctive, exclusive and rare character of Darjeeling tea is the result of several factors. The tea gardens are situated at elevations from 610 to 2134 meters on steep slopes which provide ideal natural drainage for the generous rainfall the district receives. Coupled with this, the intermittent cloud and sunshine combine to impart the unique character of Darjeeling tea which has the distinctive and naturally occurring organoleptic characteristics of taste, aroma and mouthfeel which have won the patronage and recognition of discerning consumers all over the world.”* In contrast, “GCC Araku Valley Coffee” lacks sufficient proof of such

geographical linkage. The relationship between the quality of the coffee and its place of origin is not clearly demonstrated.

- (iii) There is also a noticeable lack of credible documentation and detailed maps showing the production area, latitude-longitude, and other technical data. Darjeeling Tea is managed by the Tea Board of India, which issues certificates and a special logo to identify the good. The applicant organization for GI is Tea Board, 14, B.T.M. Sarani (Brabourne Road), P.O. Box No. 2172, Kolkata - 700 001, India. On the other hand, the applicant for "GCC Araku Valley Coffee" is "Girijan Cooperative Corporation", a local cooperative, and there are questions about its credibility.
- (iv) A similar registered GI exists for Araku valley coffee, viz., Araku Valley Arabica Coffee (application no. 607, where both Andhra Pradesh and Odisha has been claimed for its production)—leading to question the distinctiveness of GCC Araku Valley Coffee.

2. Comparing the final order for registered GI "Bardhaman Sitabhog" and refused GI "Krishnagar Sarbhaja":

- (i) Bardhaman Sitabhog has been in existence since around 1900, and the applicant has included the background of the royal family of Bardhaman in their application.⁷ "*Sitabhog is a famous sweet of Bardhaman, introduced first in honor of the Raj family. This fame of this unique sweet is somewhat synonymous with Bardhaman. This delicious sweet was invented in Bardhaman 144 years back, but its reputation, recognition and prominence had spread around only after the arrival of Lord Curzon in 1904 and his appraisal for this scrumptious sweet of Bengal.*"⁵ On the other hand, although Krishnagar Sarbhaja has traditional importance, it lacks written historical proof and credible information about its origin.
- (ii) In Sitabhog, the naturally distinct characteristics of taste, soft mouthfeel, and aroma have earned it recognition and popularity among discerning consumers worldwide. Each step in the preparation of Sitabhog requires the specialized skill of the artisans. It is only in Bardhaman that specific ingredients and traditional techniques make this sweet distinct from all others. The applicant has provided detailed information about the production process and list of ingredients used. However, in case of Krishnagar Sarbhaja, the link between the product and

its geographical origin has not been properly documented. Although the method of preparation has been mentioned, Sarbhaja is made in several regions, and the application failed to establish the distinctiveness of this particular version. Additionally, there is no mention of any quality control measures, which further weakens the case.

- (iii) The applicant organization for Sitabhog, "Bardhaman Sitabhog and Mihidana Traders Welfare Association," is a registered body that oversees its production and promotion. In contrast, in the case of Krishnagar Sarbhaja, the applicant organization does not possess any valid registration.

In short, for successful GI applications, elements such as historical significance, credible geographical linkage, specific methods of production, necessary supporting documentation, and the active involvement of a legitimate and trustworthy applicant organization are generally evident. On the other hand, in rejected GI applications, there is often a noticeable lack of historical evidence and geographical distinctiveness, absence of legal legitimacy of the applicant, and inadequate procedures for quality and hygiene control.

Discussion

Trends Emerging from the Data

The analysis of the data reveals that the Handicrafts and Agricultural good categories faced the highest number of refusals, with Handicrafts being the most rejected—accounting for 49.05% of total GI rejections. Among the states, Assam, Maharashtra, Goa, and Mizoram recorded the highest number of GI application rejections.

The primary reasons for rejection include lack of proper historical data, insufficient proof of origin and reputation, and the failure to clearly present the production process, goods' characteristics, and geographical linkage. As a result, many applications did not qualify as Geographical Indications under Section 2(1)(e) of the GI Act, 1999.

Challenges Faced by Applicants

Many applicants lack a clear understanding of what a GI actually means and how the application process works. As a result, they often fail to provide adequate proof that their good qualifies for GI status. The GI application process requires detailed documentation related to the good's history, geographical origin, uniqueness, and production process—which many

find difficult to collect. Applicants are often unable to provide historical records, scientific data, or geographically demarcated maps. Affidavits, inspection structures, and quality benchmarks are frequently incomplete or missing.

Most applicants whose GI applications were refused are unfamiliar with the GI Act and the application procedures. There is a noticeable lack of legal or advisory support.⁸ The legal language used in forms and guidelines is often beyond the comprehension of rural applicants. Hiring experts, collecting evidence, notarizing documents, and traveling incur expenses that many cannot afford. Consequently, many fail to provide the required documents or proof. Additionally, small-scale producers or cooperative organizations find it especially difficult to navigate this long and uncertain process. There is also a lack of coordination between government bodies and producer groups.

This uncertainty and lack of clarity can discourage potential applicants in the future. These challenges highlight the urgent need to simplify the GI application process and make it more inclusive and supportive—through awareness campaigns, training programs, and local-level support systems.

How Refusals Impact Local Artisans, Farmers, and Cooperatives

While the process of GI registration is governed by a robust legal framework to ensure authenticity and credibility, the refusal of applications can understandably be discouraging for local artisans, farmers, and cooperatives. A GI tag is often seen as a means to promote traditional knowledge, enhance product value, and safeguard regional identity. When an application does not succeed, it may temporarily affect the morale of the producer community and delay the expected benefits such as market recognition and legal protection.

However, such decisions are typically based on objective criteria outlined in the GI Act and Rules, which are essential to maintaining the integrity of the GI system. In the long term, these measures help uphold the credibility of the registry and protect the interests of both genuine producers and consumers. With proper guidance, capacity building, and support, communities can be encouraged to address the gaps identified in the application and reapply with a stronger case, turning initial setbacks into opportunities for more sustainable and impactful recognition.

Are Existing Policies Sufficient to Support Applicants in Overcoming Documentation or Legal Hurdles?

India's current GI registration system, governed by the Geographical Indications of Goods (Registration and Protection) Act, 1999 and its Rules, provides a sound legal foundation to protect and promote geographical indications. However, practical challenges remain, especially for grassroots applicants such as farmer groups, artisans, and cooperatives. Many of these stakeholders face hurdles related to complex documentation, legal terminology, and limited access to expert assistance. While the GI Registry provides technical guidance, gaps in localized support—including the availability of application resources in regional languages, absence of standard templates for required documents (such as affidavits, geographical linkage reports, and inspection protocols), and lack of state-level facilitation centres—can make the process daunting for first-time or less-resourced applicants.

The Draft National GI Policy proposed by the Government of India addresses these challenges through a holistic framework based on four key pillars:

Pillar I: Quality and Authentication The policy aims to introduce mechanisms for early-stage assistance in verifying product authenticity and establishing clear geographical linkage, thereby strengthening the quality of applications at the outset.

Pillar II: Promotion and Commercialization By proposing the creation of a National GI Promotion Council, the draft policy seeks to support registered GIs in accessing better market opportunities, which in turn motivates applicants to invest in the process.

Pillar III: Awareness and Capacity This pillar directly responds to the issue of limited grassroots support. It emphasizes the need for regular awareness drives, regional training programs, and capacity-building initiatives. It also advocates for multilingual documentation and simplified procedures to make the process more inclusive.

Pillar IV: Enforcement and Regulation The policy also ensures that once a GI is registered, there is adequate monitoring to prevent misuse or misrepresentation, which reinforces the value of the registration and encourages genuine applicants.

Overall, while the existing system has strong legal underpinnings, the Draft GI Policy proposes much-needed operational enhancements. Its implementation

can empower producer communities by simplifying the registration process, providing timely guidance, and ensuring sustained post-registration support. This comprehensive approach reflects the government's commitment to strengthening India's GI ecosystem without compromising on legal integrity or procedural fairness.

Conclusion

This study highlights the key challenges and systemic gaps contributing to the refusal of GI applications in India. While the concept of Geographical Indications originated in Europe—where GI protection is deeply tied to branding strategies and regional market identity—India's approach is rooted in the preservation of traditional knowledge, cultural heritage, and community-based production systems. As such, India's GI law reflects a broader socio-economic and cultural perspective, distinguishing it from Western models that are often more commercially oriented.

However, the implementation of GI protections in India faces procedural and infrastructural limitations that disproportionately affect small and marginal producer groups. Complex documentation, lack of legal awareness, and limited institutional support continue to act as barriers to entry.

The Draft National GI Policy offers a timely and comprehensive framework to address these issues. By focusing on quality and authentication, promotion, capacity building, and enforcement, the policy promises to make the GI ecosystem more accessible, transparent, and market responsive. Its emphasis on early-stage assistance, localized support, and post-registration monitoring can bridge current gaps and

align the GI registration process more closely with the lived realities of applicants.

Moving forward, a combination of regulatory refinement, institutional strengthening, and stakeholder engagement is essential to unlock the full potential of GIs in India. With thoughtful implementation, GI registration can become a powerful tool not only for protecting India's diverse traditional products but also for enhancing rural livelihoods, promoting sustainable development, and projecting India's unique identity in global markets.

References

- 1 Cardoso V A, Lourenzani A E B S, Caldas M M, Bernardo C H C & Bernardo R, The benefits and barriers of geographical indications to producers: A review, 10 December 2022, *Cambridge University Press*, doi: 10.1017/S174217052200031X.
- 2 Barjolle D, PAUS M & PERRET A, Impacts of Geographical Indications Review of Methods and Empirical Evidences, in *International Association of Agricultural Economists Conference, Beijing, China*, 2009.
- 3 Török Á, Jantyik L, Maró Z M & Moir H V J, Understanding the real-world impact of geographical indications: A critical review of the empirical economic literature, Nov. 02, 2020, *MDPI*. doi: 10.3390/su12229434.
- 4 *The Geographical Indications of Goods (Registration and Protection) Act, 1999 No.48 of 1999*. 1999.
- 5 Registered GIs of India, <https://search.ipindia.gov.in/GIRPublicSearch/>.
- 6 GI Registry, Final Order; Darjeeling Tea; Geographical Indications Registry, 2019.
- 7 GI Registry, Final Order Bardhaman Sitabhog, Geographical Indications Journal No. 93, 2016.
- 8 Akriti & Ghosh P, Challenges in the Utilization of GI Registration for Capitalizing GI Products, *Journal of Intellectual Property Rights*, 29 (5) (2024) 428, doi: 10.56042/jipr.v29i5.3663.