

Geographical Indication (GI) Laws in India and Its Implementation: A Critical Appraisal

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India is home to different products which are unique to its various regions. With the advent of the Geographical Indications of Goods (Registration and Protection) Act, 1999, the enforcement, adjudication and governance of Geographical Indications (GIs) is expected to preserve the cultural heritage, create international recognition and boost export income of these products. Although the goals of GI registration have been fulfilled to an extent, but such registrations hardly popularise the products beyond the exiting market and did it boost the export. The primary question which the paper aims to address is whether the laws has been successful in providing better protection of geographical indications relating to goods, in India, and investigate why the implementation has been inadequate. This paper focuses on less well-known GIs like *madurkathi* and *nakshi katha* and contrasts them with the more well-known GIs like Basmati Rice, Darjeeling Tea etc. to delve into the loopholes in the existing legislation and its implementations, focusing on obstacles for the producers in effectively marketing and protecting the reputation of such goods. The paper concludes with recommendations for changes in the legislation and implementation.

Keywords: Geographical Indication, Intellectual Property, Implementation, Cultural Heritage, Rural Economics

Geographical Indications (GIs) are a form of intellectual property that recognises the unique qualities, reputation, and characteristics of products originating from a specific geographical location.¹ In India, the legal framework for protecting GIs is primarily governed by the Geographical Indications of Goods (Registration and Protection) Act, 1999, hereinafter referred to as the GI Act, and the Geographical Indications of Goods (Registration and Protection) Rules, 2002, herein referred to as GI Rules. While GIs can offer substantial economic and cultural benefits,² their implementation in India faces several challenges. The aim of this paper is to critically analyse the implementation of the GI Act, through a few case studies, and highlight its shortcomings and provide adequate recommendations to overcome them.

Certain products are linked geographically and culturally to a particular region. The product becomes synonymous with the place and as such it is essential to accord a mark/indication to these products in order to first, acknowledge the reputation of such a product and second, to provide legal protection against

imitation products which do not originate in the same region. GIs can thus assist in re-establishing information symmetry by providing customers with more details about the items' reputation and quality, as well as protecting the producers from unfavourable perceptions. According to Shapiro's reputation model⁴, reputation functions as a signalling mechanism that informs customers about a particular quality, cutting down on the expense of their search. Therefore, from a consumer's point of view, GIs act as a channel of communication that helps consumers distinguish high-end region linked products from counterfeit ones. With the help of GI, a producer community can set their products apart and cultivate consumer loyalty, and usually can command a higher cost. The Trade-Related Aspects of Intellectual Property Rights (TRIPS), encouraged adoption of GI regulations in late 1990s as a result of the European Union's vigorous pursuit to protect well known region linked products/brands like Champagne etc.⁶

India has been one of the first few middle-income countries which has legislated on protecting GIs,⁷ however, there have been criticisms that this is a mere transplantation of European style legislation⁸ which does not adequately protect the indigenous products.

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This paper first analyses the economic and social reasons for adoption of GI Act and Rules in India, it then critically investigates if the implementation of the GI Act has indeed upheld the aims and promises made while enacting this legislation. The paper then focuses on the strength and weaknesses in implementation by looking into five case studies of two well-known GIs – Basmati rice and Darjeeling Tea, one somewhat known Alphonso Mango and finally two not so well known GIs *madur kathi* and *nakshi katha*. These case studies would highlight how the current GI regime in India is inadequate in being able to protect the interests of the producers of these GIs. Finally, the paper would conclude by providing a comprehensive list of recommendations to upgrade the GI Act and Rules, as well as bring in changes to the implementation process.

Legal Framework of Geographical Indications in India

GIs signify the link between the quality, reputation, and characteristics of a product with its geographical origin. GIs encompass a wide range of products, including agricultural, manufactured, natural and handicraft goods, as well as food and beverages. The primary objective of GI protection is to preserve traditional knowledge, promote rural economies, and safeguard consumers from counterfeit or substandard products. Sufficient legal enforcement of GIs is necessary to minimize their misappropriation, given their commercial potential. GIs have emerged as a significant type of intellectual property in India in the past few years with over 500 successful products registered until mid-2023.

There were several social, cultural, economic and political reasons for legislating the GI Act and later notifying the GI Rules for its implementation. One of the significant objects of India's GI laws was to protect and preserve the cultural heritage associated with specific geographical areas.⁹ By recognizing and safeguarding products like Darjeeling tea, Banarasi silk, and Basmati rice, the law was expected to ensure that traditional knowledge and craftsmanship are preserved and promoted.¹⁰ The protection of GIs was also expected to provide economic benefits to both producers and consumers. For producers, GIs offer a competitive advantage by allowing them to charge premium prices for unique products. Consumers benefit from the assurance of product quality and authenticity. This can also lead to increased exports

and foreign exchange earnings for the country. GI products are often produced in rural and economically disadvantaged areas of India. The GI laws were expected to encourage the development of these regions by promoting local industries, generating employment, and improving infrastructure. Finally, India's GI laws align with international standards and agreements such as the TRIPS Agreement. This international recognition is essential to boost the global marketability of Indian GI products. GIs are essential in the global marketplace because they increase a product's competitiveness and marketability.¹² Further, it also safeguards traditional items by limiting unapproved use and boosting export revenue margins. The domestic economy can gain significantly from the protection of GI products on both domestic and international level. It guarantees the product's origin and quality while attempting to preserve its distinctiveness. The best way to capitalize on a region's competitive advantage is through GI protection. Lastly as GI registration takes consumer attributes into account, it is also quite profitable for agribusinesses.¹³

Section 2(1)(e) of the GI Act defines a GI as any goods whose characteristics can be attributed to its geographical origin. This provision makes it possible to preserve symbols other than place names, such as 'Basmati.'¹⁴ The products with the GI tag are notable because of their geographical advantage, which can be attributed to the product's quality or to other important elements like soil, climate, or features that are exclusive to a given location. GIs are ultimately place-based designations that typically convey the cultural and historical significance of the good; they can be appellations of origin, indications of source, or a combination of the two.

In India a GI may be registered for any or all of the items, including any sorts of goods that the registrar may list, according to Section 8 of the GI Act.¹⁵ The registrar may also categorise the items in accordance with the international division of goods in accordance with the stipulated method in order to register geographical indicators and publish in an alphabetical index of different goods. A geographical indicator may be registered by any association of people or producers, organization, or authority created by or under any legislation that expresses the concerns of the producers of the commodities in question. Such applicant(s) are known as registered proprietor(s). A manufacturer will submit an application to be

registered jointly with the registered proprietor of a geographical indication, as an authorized user of that particular GI.¹⁶ The authorised users will be able to use the GI to market their products.¹⁷

In India, the legislation on geographical indication is limited to only safeguarding the name and the origin of the products.¹⁸ Section 21 of the GI Act confers the exclusive use of the GI to the authorised users and the right to bring claims against infringement, however, there are no robust enforcement mechanism of such rights in the legislation.¹⁹

Challenges with the GI Act and its Implementation

The GI Act, has several inherent structural defects. First, only the goods are protected, excluding the technology used and the production technique employed in creating the final product.²⁰ In comparison to the objective with which this legislation was introduced, which is to register and offer better protection measures for GI of goods, the scope of the Act has been kept limited enough to achieve such objectives.²¹ The need for preserving the production technique arises for the novelty attached to the same. Even if a particular product is protected by means of GI, there arise chances of devaluing the same in the market by replicating such a product using the “not-so-protected technique.”²² Relief in such cases is not available, and ultimately hurts the artisans. Further, the narrower ambit of the Act has caused a torrent of less expensive machine-made knockoffs to enter the market, devaluing genuine GI goods. Numerous GI products are linked to boards or organizations that are not financially strong enough to pursue legal actions against infringement both domestically and internationally.²³ For producers to be able to afford appropriate protection, government assistance becomes essential. The Act does not make room for accommodation of such provision as well.²⁴

Further, the GI Act under Part VII discusses appeals to the Appellant Board, spread over Sections 31 to 36. But, by means of the Tribunal Reforms Act, 2021, various Tribunals including India’s Intellectual Property Appellate Board (IPAB), were abolished.²⁵ Following the same, GI disputes ambit came under the commercial courts and the high courts. The enforcement mechanism crumbled further due to the same with disputes not seeing the light of the day to be resolved, keeping producers and registered owners in shadow. The apparent absurdity of GI protection

system can be evidenced by the fact that as of October 2020, only six cases had been heard by the Supreme Court and the various high courts relating to GI disputes.²⁶

The primary obstacle lies in the GI registration which *ipso facto* does not ensure that the product will receive complete benefits of market exposure and prestige. One of the main concerns is the absence of post-registration activities. Strong protection procedures are required on a national and international level, in addition to efficient marketing methods, in order to counter the same.

One of the most vexatious issues with registration of GI in India, is the role played by “registered proprietor.” Any group of people or organization formed by law that represents the interests of the producers may apply for the registration of a GI mark in India under Section 11 of the GI Act. However, the standard of proof required for adequately representing the interests of the produces is quite low. This has given rise to situations where well-meaning non-governmental organisations have registered the GI, but has not created any ground level network for registering the producers and artisans as authorised users. Critiquing this aspect of the Act, Basole stated that the Indian GI regime totally eliminates the role of traditional craftsmen and artisans, whose rights are meant to be upheld by GI. The rationale given at the time of legislating the Act, for the introduction of “registered proprietor” is that an Indian craftsman lacks the necessary funds, time, or expertise to submit an application for registration or to become an “authorized user.” However, over time in practice this has become a tool for monopolising the benefits of the GI and restricting access. Academicians have contended that neither the GI Act nor the GI Rules contain any particular clauses that establish whether the purported proprietor or producer genuinely represents the interests of the producers or whether the purported producer is a producer of the item at all. In this regard, it is important to note that a producer may challenge an application under the GI Act by arguing that the applicant does not adequately represent the interests of the producers. However, challenges are extremely rare as the producers are often in the dark about the applications. Aside from the time it takes to submit an objection, the producers might not always be able to object to every unauthorized registration. Furthermore, if improper registrations are not prevented, it could make it harder

for authorized users to function appropriately. In order to reduce illegal registrations, it would be advantageous to tighten the onus of proof of demonstrating that the applicant is representing the interests of the producers.

The other main issue of quality monitoring emerges once the producer, or association, as the case may be, has been granted permission to use a GI mark. Since GI, unlike other IPRs, safeguards collective interests, it becomes imperative that no individual compromise the quality of a good coming from a certain location for the simple reason that doing so would hurt all the producers' commercial interests. On the other hand, since consumers generally have to pay more for goods having GI tag, as they are guaranteed a specific quality that such goods would possess, it could be detrimental to their interests if proper quality control systems are not put in place. There are two main categories of quality monitoring techniques, namely, government-imposed control mechanisms and self-imposed mechanisms. Where self-imposed quality control has been ineffective, government-imposed quality control has been put in place instead. For example, India had a major issue in the early 2000s with the export of rice under the GI of Basmati that was of lower quality. The Export of Basmati Rice (Quality Control and Inspection) Rules, 2003 were implemented by the government out of concern that these dishonest practices would damage the reputation of authentic Basmati rice in the international market. Among other things, these rules required exporters to declare their quality control, allowed authorities to inspect their operations, and more.

One common worry about quality monitoring for GIs is that it could stifle creativity.²⁷ The GI Act and the GI Rules provide the registered proprietor the ability to add or modify any registered GI mark, which may involve improving or changing the quality monitoring system. It is possible that this approach is chosen in order to reduce the standard of the quality control procedures. In this regard, the Registrar retains the final say over whether to approve or reject such a change under Section 29 of the GI Act, 1999. Thus, except in very rare cases, this discretion can be used as a filter to permit only changes to mechanisms that improve quality rather than those that decrease it.

Finally, one of the most significant hurdles in implementation of GI related rules is the lack of awareness among producers and consumers about GI

protection.²⁹ Many producers, especially in remote areas, are unaware of the benefits of GI registration and usage.³⁰ This results in underutilization of the GI system and missed opportunities for economic growth. The GI registration process in India seems cumbersome and time-consuming so far.³¹ However, recently many new applications have been disposed expeditiously. The extensive documentation, verification, and legal procedures often deter smaller producers with limited resources from seeking GI protection. Enforcement of GI rights also has a significant handicap.

The government agencies responsible for monitoring and protecting GIs may lack the necessary resources and infrastructure.³² This can lead to the misuse of GI labels or the production of counterfeit GI products.³³ While Indian GI laws are aligned with international standards, gaining international recognition and protection for Indian GIs can be challenging. Some GIs, like Basmati rice, have faced disputes with other countries over geographical boundaries and product characteristics. Promoting GI products both domestically and internationally is crucial. There is a severe lack of investing in marketing, branding, and creating awareness to capitalize on the full economic potential of GIs. Issues related to equitable benefit sharing among producers within a GI region need attention.³⁴ The benefits should reach all stakeholders, including small-scale and marginalized producers. We illustrate these challenges by highlighting them in a few case studies in the next section.

Case Studies: Challenges Faced by Specific GIs in India

Darjeeling Tea: Absence of Enforcement

Darjeeling tea remains a renowned GI from India with the appellation of 'Champagne of teas'. Its main challenge relates to unauthorized use of the GI label and imitation of the product in other regions. Exporters openly claim that they have exploited the Darjeeling GI as a tool to control and intimidate suppliers and customers,³⁵ however, even with such heavy-handed tactics they did not manage to have sufficient finances to neither promote it like Colombian coffee, nor protect it like Champagne or reach new foreign/domestic consumers.

Indian Tea Exporters' Association Chairman Anshuman Kanoria while explaining the scenario relating to counterfeiting stated that the total annual

production of Darjeeling tea is about 8.5 million kg, but about 50 million kg of Darjeeling tea is sold worldwide.³⁶ A gross violation of the GI Act, 1999 can therefore be made out, yet little has been done to enforce regulations and establish a system to verify the sale of authentic Darjeeling tea worldwide. Existing literature reveals that enforcement of GI rights for Darjeeling tea has been challenging due to limited resources and difficulties in monitoring the global market for potential infringements.

The Tea Board of India is the registered owner of the “Darjeeling tea” GI, the Ministry of Commerce and Industry under the Government of India, oversees the Tea Board of India as a statutory entity. Notwithstanding the government support and the legal authority the Tea Board seems incapable to protect its own GI.³⁷ It is important to note that the legal rights over a GI must be upheld and protected after they are acquired, this requires constant market observation to ascertain whether fake items are being passed off.³⁸ As is clear from the continuing counterfeiting the Tea Board of India³⁹ has failed in ensuring community benefit and upholding the objectives of the GI Act.

Basmati Rice: Ambiguous Statutory Drafting

Basmati rice is one of India's most famous GIs, known for its distinct aroma and long grains. However, India has faced disputes with other countries including Pakistan, Nepal, But, particularly Pakistan, over the geographical boundaries of Basmati rice cultivation. These disputes have led to legal battles and challenges in protecting and marketing Basmati rice as a unique Indian product. Nepal,⁴⁰ the first least developed country (LDC) to join the World Trade Organisation (WTO), gained media attention in December 2020 when it opposed India's registration of basmati rice as a GI with the EU. India and Pakistan decided to submit a joint application for GI registration in the EU, over a decade ago, but the political divide between them has prevented such an application. India therefore submitted an EU application for Basmati rice after first registering it as a GI domestically. It is hardly unexpected that Pakistan was the first nation to challenge India's EU GI application for Basmati rice.⁴¹

Nepal voiced⁴² opposition to India's GI application for Basmati rice in the EU, which was based on the product's quality, reputation, and geographic proximity to India, proving its Indian origin. As a result,⁴³ Nepal's opposition to India's EU registration

of Basmati rice has sparked a discussion about the need to strengthen the country's intellectual property laws and safeguard locally produced goods with a strong national identity. Regretfully, the Nepalese perspective on Basmati rice has been disregarded in this discussion.⁴⁴ Resolving such disputes is critical to preserving the integrity of Indian GIs. The question on cross-border adjudication with respect to the GI Act, 1999 is therefore raised again.

It is to be noted that only the Basmati cultivated in Punjab, Haryana, Delhi, Himachal Pradesh, Utrakhand, and portions of Western Uttar Pradesh and Jammu & Kashmir were granted GI designation in May 2010.⁴⁵ Further, Madhya Pradesh filed a statutory objection, requesting recognition of the traditional Basmati production region in its 13 districts. A division bench of the Madras High Court dismissed Madhya Pradesh's appeal for a GI designation for Basmati rice farmed within state borders on February 27, 2020. Interestingly, this decision was overturned by the Supreme Court of India providing Madhya Pradesh with a respite. The claim made by an individual state thereby hinting on inter-state disputes surrounding Basmati rice, raises fingers on the GI Act, 1999 for its silence on state-specific ownership. It would have been more prudent to have a clear cut regulation on joint applications.⁴⁶

Section 8(1) of the Act of 1999 provides for registration of GI in respect of particular goods and areas. The provision mentions that registration ‘may’ be taking place “*in respect of a definite territory of a country, or a region or locality in that territory, as the case may be*”. The contradictory mentioning of ‘may’ with that of ‘a definite territory’ in a single sentence can be interpreted to be a discretion of the Register to award GI to one specific place or multiple places with respect to one single product. Whether two states can register the same product at the same time thereby getting GI tag remains a confusion and because of the same, in the coming future, there remains scope for more such cases like Basmati case. Although this is not the only interpretation that can be made for this provision,⁴⁷ the room for ambiguity in this scenario remains open. This is where the issue that rose with regards to Madhya Pradesh should be discussed and a possible solution should be framed out of the same. A bench of Justices L Nageswara Rao, B R Gavai and B V Nagarathna while deciding on this issue opined that the high court committed an error in not adjudicating the issue relating to the over-inclusion of areas in

Madhya Pradesh forming part of the Agricultural and Processed Food Products Export Development Authority (APEDA) GI application. Thus the statutory ambiguity reflected by means of the discussed provision is the root cause for controversies in the internal registration of GI for Basmati.

Alphonso Mangoes: Weak Registered Owner

Alphonso mangoes from the Konkan region in India have a GI tag since 2018.⁴⁸ Consumers are often willing to pay handsomely for these mangoes.⁴⁹ However, the lack of a unified marketing strategy and branding effort has limited their global recognition. Growers in the Konkan region of India are also worried about the widespread adulteration of the Alphonso mango, or Hapus, with less expensive cultivars.⁵⁰ Even after five years of GI recognition, GI-tagging of the product does not provide the assurance of authenticity. Alphonso mango producers were initially pleased with the recognition of the GI since it increased the prices of the goods and gave them a sense of security,⁵¹ however, due to continued adulteration the GI has already been diluted. As per the application, Alphonso growers must register with one of the four organizations who are the registered owner of the GI, in order to sell or buy mangoes and produce products branded Hapus or Alphonso. However, due to loopholes in building awareness regarding the same, such compliances are frequently and readily flouted.⁵²

The purpose of the GI tag is to safeguard the crop and provide farmers with legal protection; nevertheless, a number of domestic and foreign variations are being sold as Hapus as a result of outdated enforcement of quality standards and poor infrastructure for monitoring and testing. Farmers are therefore urging coordinated action including initiatives to raise public awareness and the stringent enforcement of quality standards.⁵³ Effective promotion of Alphonso mangoes can significantly increase their exports and improve consumer demand.

Madur Kathi: Failure to Register Products under Multiple Categories

Madur kathi a type of reed specific to a couple of districts of the state of West Bengal, India, is currently registered as a GI as a handicraft product. While the bulk of *madur kathi* is used for mat production, and hence is classified as a handicraft, it can also be registered as an agricultural product. The knowledge pertaining to the cultivation of *madur*

kathi has been passed on for generations. If *madur kathi* reeds get the GI tag as an agricultural product, then the farming community of these reeds may have the better access to the domestic market of other states.⁵⁴ They may even get preferences in weaving communities of other states or even neighboring countries.

The ownership rights on this natural resource and their by-products can be better safeguarded by appropriate GI tags. The provision of GI tags can help to promote rural commercial ventures by means of wider access to markets.⁵⁵ Finally, as an agricultural products, *madur kathi* producers would be able to benefit from various Central and State governmental schemes as well seek loans and other monetary aids from financial and non-governmental organizations. Thus, it was a failure on part of the registered owner to carry out adequate research and appropriately assess the various categories where a product can be registered and thereby help all the communities associated with a product to reap the benefits of the GI tag.

Nakshi Katha: Disconnect between Registered Owner and Authorised User

Nakshi Katha is a type of embroidered quilt from the state of West Bengal, it was the 4th GI to be registered from the state. *Nakshi Katha*'s heritage dates back to a period when rural women in Bengal practiced this skill out of necessity rather than with the goal of producing "art." However, during the late colonial period this came to be valued as a traditional Bengali product, and interest in it got reinvigorated in the mid-2000.⁵⁶ It got GI status in 2008, however, in the last fifteen years the artisan community which creates this art form is yet to see any major benefit from this. The GI has been registered by an organization with its base at New Delhi, this has created a geographical disconnect between the registered owner of the product and the community of the manufacturers, the registered owner seems to be unaware and perhaps unaffected by the problems, challenges, livelihood difficulties and earning of the artisans who practice this craft and create the product.

The award of registered ownership to an organisation which is not itself a producer or representative of the producer seems to be one of the major reasons behind the low economic returns of the authorised users of this GI. Moreover, the registered owner of this GI seems to be unable or unwilling to monitor the misuse of this GI tag. Fake products are

available in bulk in the market giving rise to anti-competitive trade practices which is detrimental for original producers and authorised users.

Conclusion

India's GI regulations have the potential to preserve cultural heritage, boost rural economies, encourage sustainable consumer behaviour, and provide substantial economic benefits to producers. However, appropriate legislation and effective implementation is essential to fully harness these advantages. Addressing the core issues of lack of awareness, procedural complexity, absence of enforcement, scarcity of international recognition, deficiency in marketing, and poor benefit sharing is crucial for the success of India's GI system. By overcoming these challenges, India can better protect its unique products, promote sustainable economic growth, and enhance its global reputation for quality and authenticity.

Based on our analysis we would like to suggest the following changes for a more effective enforcement and administration of the GI Act and Rules:

(i) Amendments should be brought into Sections 11 and 17 of the GI Act, such that the registered owner must be a cooperative of the manufacturers, legal help in registration and filing, should be provided by the IPR centres of the government law institutions like National Law Universities (NLUs), DPIIT IPR Chairs etc. which are now established in each state. NLUs have a long history in incubating GI registration application in concert with the industrial promotion departments of state governments. Specifying NLUs as the nodal agency for assistance in research and filing of GI application would enhance the quality of the application as well as improve preliminary checks. NLUs can also effectively collect ground level data and coordinate with the Ministry and the Registrar. It might also be helpful to require voluntary submission of post registration brand awareness plans as well as marketing plans along with the application.

(ii) Young designers should be encouraged to work as interns in village clusters where they can collaborate with the artisans, providing them with advice on contemporary design sensibilities and aiding in the creation of a database of designs, in addition to the current programmes that invite artisans to attend workshops by designers in major cities. NIFT students and alumni are already active in

packaging and designing of several GI products, such as Chikan, Chanderi, Kota Doria, Chenapatna, etc. NIFTs should be made nodal agencies for designing and packaging GI products. IIMs should be involved to create marketing and branding strategies for GI products of their state, special focus might be provided to establish some of the GIs as an endorsing brand. More attention has to be given on the immediate post registration activities, which is a perfect time to build momentum and create brand awareness of the product. Each product may have a brand ambassador, and a calendar day can be chosen as a GI day to further improve brand awareness. Dedicated resource should be allocated jointly by the Central and State governments at the district level to oversee streamlining of the manufacture, packaging, marketing and sales of the GI products originating in that district, this organisation can be run on secondments from IIMs, NIFTs, PSUs and other MNCs. Thus, branding – packaging – marketing should be formalised and consolidated, and each state should have a dedicated agency to work with the authorised users of the GI tag. One District One Product (ODOP) – Open Network for Digital Commerce (ONDC) – GIS trilogy should be explored to authenticate and improve sales of GI products across the country.

(iii) Frequent technological advancements and design contributions are necessary to boost output, raise standards of quality, launch novel products, etc. In the case of agricultural products, more collaboration is required to generate value-added products.⁵⁷ For instance, Kerala University offers technical support to seven of the state's agricultural GIs, and the farmers report that they follow the policies and procedures established by the university's specialists. Such good practices should be proactively shared between the states. Each state should depute one state technical or agricultural university to act as an incubator for improving production and quality of GI items in that state. Each of the deputed state universities should collaborate with one another on a common platform to share best practices and drive innovation.

(iv) The Department for Promotion of Industry and Internal Trade and the state council of science and technology and small industries should establish common utility centres at block level to provide GI producers with equipment, tools, or technical assistance for different operations. For example, such

centres have been set up at Bagru and Chanderi. Bagru's producer cooperatives stress the critical need for common facilities, such as a waste treatment centre, which would require a substantial investment to sustain the enterprise. In Vazhakulam, Kerala, pineapple growers profit from the APEDA-funded Pineapple-Pack house, which provides amenities including cooling chambers, sorting, and storage facilities. This remains a prime example of such support. Such support can be planned and implemented by the deputed higher educational institutions like state university. Furthermore, authorised users of the GI tag should get easy access to bank loans and insurance.

(v) Online retailers like Amazon, flipkart, ebay etc., which have a major market share in India, should be encouraged to provide logistical support to market GI products, as part of their CSR outreach. These online retailers and marketplaces can act as force multipliers, and bring these GI products to a huge national and international audience. As these online retailers already have a sophisticated counterfeit detection system, they would also be able to greatly reduce the infringement opportunities in ecommerce. Relying on the private sector would also reduce costs for the government.⁵⁸

(vi) Section 9(f) of the GI Act, 1999, needs to be redrafted with adequate explanations to ensure that the ambiguity of what can be classified as 'generic' can be resolved.

(vii) There is also a need to create a robust decentralized cooperative based quality monitoring system to ensure that all the products sold under the GI tag adheres to the common minimum standards. Changes to Rule 25 in The Geographical Indications of Goods (Registration and Protection) Rules, 2002, dealing with 'statement of user in application' can be sufficient to include this provision.

(viii) Echoing the Parliamentary Standing Committee on Commerce, we would also recommend that there should be a centralized agency 'authorised to ensure compliance of GI tagged products to the stipulated standards under GI Act.' Lack of public enforcement has been the biggest weakness of the GI regime in India. While patent and copyright owners often have the wherewithal to privately prosecute infringers, authorised users and registered proprietors rarely have resources to bring a claim against counterfeiters. A specialised prosecution unit modeled on the Enforcement Directorate, under the overall

control of the Department for Promotion of Industry and Internal Trade, Ministry of Commerce & Industry, Government of India would be able to tackle the issue of prosecuting infringement of GI rights.

GIs have the potential to transform rural economy, however, the regulations and their implementations have been inadequate. As such reforms in both these areas are immediately required to ensure producers are able to get the full advantages of the GI protections.

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