Bettering our GI Act

What is the issue?

\n\n

\n
- The existing law for Geographical Indications in India leans too heavily on documentary proof.
\n
- This is a major huddle for many traditional products from getting the GI Tag.
\n

\n\n

What is the “Geographical Indication”?

\n\n

\n
- Geographical Indications (GIs) are recognitions for traditionally produced products that are specific to a region.
\n
- It intends to link the quality of a product to the territory from where the it originates from.
\n
- GIs support local production and are an important economic tool for the uplift of rural and tribal communities.
\n
- Unlike other Intellectual Property Rights (IPRs) which guarantee the protection of individual interest, GI is a collective right.
\n
- If their products qualify, producers can use the collective GI mark while commercially exploiting their products.
\n

\n\n

What are the shortcomings in the Indian GI Act?

\n\n

\n
- India executed a law on GI in 1999 as per the WTO’s “Trade Related Aspects

of Intellectual Property Rights -TRIPS" guidelines.
\n
- TRIPS only prescribes a minimum standard and there is no insistence on a particular framework for the grant of a GI Tag.
\n
- Against this backdrop, proof of origin is a mandatory criterion for registering GIs in India – a provision borrowed from the EU's act.
\n
- While a historic proof in itself is a good safeguard, the Indian Act also stresses on documentary evidence for the same.
\n
- Documented evidence would indeed be foolproof in ensuring the link between the product and territory.
\n
- But in India, where oral history has had far wider convention over written history, this provision will prove to be a formidable hurdle.
\n
- **Assam Example -** Assam has been exploring its natural, agricultural and traditional products as potential GI material.
\n
- But a stumbling block has been the difficulty in gathering documentary evidence as proof of origin.
\n
- The recent product in focus has been "Judima", a traditional rice wine made by the Dimasa tribe of Dima Hasao.
\n
- For most products, especially those of tribal communities, the lack of documentary evidence is bound to be a recurrent problem.
\n

\n\n

What is the way forward?

\n\n

\n
- In a particular instance, the GI Registry considered studying its evolution to establish proof of origin.
\n
- But as the existing law insists on documentary proof, it is difficult to make authorities adopt similar stands for other products.
\n
- Hence, India should consider amending the current law to enable easier GI registration and enhance the marketability of our rich tradition.
\n

\n\n

\n\n

Source: The Hindu

\n

