

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 Dimas 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

