Reforms in Geographical Indication (GI)

Why in news?

India's two-decade journey with Geographical Indication (GI) tags has shown limited out-come and there is an urgent need to simplify the registration processes.

What is Geographical Indication tag?

The first product in India to be accorded with GI tag was Darjeeling Tea in the year 2004-05.

- **GI definition**- It is defined under Article-23 and 24 of the ***Trade-Related Aspects of Intellectual Property Rights (TRIPS)*** Agreement of the World Trade Organization (WTO).
- GI tag is a form of certification that recognises unique products based on their origin.
- **Characteristics** - GI tagged products can be *natural or man-made.*
- The raw materials for such products do not necessarily have to come from that region, unless it is an agricultural tag.
    - For instance, the mulberry silk used in Kancheepuram sarees comes from Karnataka, and the gold zari from Surat.
- The essential difference between GI and other intellectual properties (IP) is that, GI is a *collective Intellectual Property Right.*
- **India-** It is a member of WTO and enacted the ***Geographical Indications of Goods (Registration & Protection) Act, 1999*** that came into force from 2003.

Tamil Nadu *has the highest number of GI tags in India.*

What about Geographical Indications of Goods (Registration & Protection) Act, 1999?

Key aspects	Description
Geographical Indication	An indication which identifies a commodity or a product as a natural good, agricultural good or manufacturing good concerning the place or region.
GI registry	Located in Chennai, Tamil Nadu.
Ownership	Any trader's body, association, or organization can apply for a GI tag.

Conditions	The applicants need to prove the uniqueness of the item with historical records and a complete breakdown of how the product is made.
Validity	No expiry date, but has to be renewed every 10 years.
Collective Intellectual Property Right	It is intended for a community or is a right given to a group, it is not possible to get GI registration in the name of an individual.
Authorized user	It can be any person claiming to be a producer of the goods in the definite geographical territory.
Appeal	Can be filed against Registrar's decision to the ***Intellectual Property Appellate Board*** established under the Trademarks Act, 1999.
Validity across the world	GI are territorial and the rights can be enforced in other countries only if it is registered in that particular country.
Penalty for GI infringement	Imprisonment for a term of 6 months to 2 years and fine of Rs 50,000 to 2 lakhs.

What is the significance of conferring GI tags?

- **Legal protection**- It is unique and prevents any kind of exploitation by a third party as it is governed by the law.
- **Symbol of authenticity**- It helps consumers to get quality products and identify between fake and genuine products.
- **Economic growth**- It increases the demand for the product both at national and international markets.
- **Revenue generation-** It helps producers to obtain the title of premium goods and avail proper price in the competitive market.

What are the concerns with GI registration in India?

- **Low registration**- India lacks in GI registration compared to other nations, India lags in GI registration.
- **Strict regulations**- As per GI registry, India received 1167 applications, only 547 products have been registered. This means the application acceptance ratio is only about 46%.
- **Geographical disputes** -It took over a decade for the famous Alphonso mango to receive GI registration due to disputes over geography.
- **Outdated law**- The Act for GI is enacted in 1999, and needs to be updated to make it more user friendly and effective.
- **Ambiguous definition-** The definition of "producers" under the law lacks clarity, which results in the involvement of intermediaries who share the benefits that go to the producers.
- **Limited classification-** In many European Union nations, GI is classified into 2 categories namely Protected GI (PGI) and Protected Destination of Origin (PDO) but India has the PGI category only.
- **International conflict-** Some countries have claimed exclusive rights to certain GIs, such as ***"Darjeeling"*** for tea and ***"Basmati"*** for rice, while others have argued that these names have become generic or that they have prior trademarks on them.

- **Lack of research-** Country wise publications is dominated by European countries and India has very limited publications.

What lies ahead?

- **Provide incentives**- The Government should provide incentives and legal protection to the GI producers, and exclude the non-producers from the GI benefits.
- **Testing facility-** The quality and accessibility of GI products should be ensured by setting up testing labs and creating a separate tab on eNAM.
- **Holistic approach**- The government's One District One Product scheme should be integrated with GIs through the involvement of food producer organisations.
- **Leverage technology**-The Government should use technology and skill-building to enhance the capacity and competitiveness of the GI producers.
- **Special trade agreements**- EU-India agreement on GIs, can facilitate the recognition and exchange of GI products between countries that share a common interest in GIs.
- **Promotional activities**- The protection of GI products should be enhanced by organising exhibitions, involving embassies, advocating at WTO, and supporting the "vocal for local" initiative.

References

1. Down To Earth- Untapped potential of GI tags
2. WIPO- What is Geographical Indication

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