

Shikara Row to Makhana GI Tags – Long Journey Ahead?

Geographical Indication are undoubtedly one of the most crucial assets which afford importance and reputation to the country of origin and help in protecting products traditionally originating from the territory. India has had an exciting journey toward securing GI tags.

Recently, India has improved its overall International Intellectual Property (IIP) score from 38.4% to 38.6%, and the country is ranked 43rd out of 55 countries on the International Intellectual Property Index.

Given the diversity in geographical, topographical and cultural elements of every state in India, there is a lot of potential in protecting products as geographical indications. So here is an interesting read-through as far as India's GI tags are concerned.

Defining Geographical Indication (WIPO)

According to the World Intellectual Property Organisation, Geographical indications (GIs) are intellectual property (IP) rights that identify a product that originates from a specific geographical area and has a quality, reputation, or other characteristics that are essentially attributable to its geographical origin. It further elaborates that to function as a GI, a sign must identify a product originating in each place. In addition, the qualities, characteristics or reputation of the products should be essentially arising from and/ or associated with the place of origin.

India's Standing as a 75-Year-Old Nation

The Government has cited GI Tags as a precious asset to the nation. Right from its thrust on Vocal for Local, Atmanirbhar Bharat to Make in India campaigns, GI tags play a vital role in the overall success of these campaigns across the country. A recent addition to these initiatives was integrating the One District One Product (ODOP) program with the Open Network for Digital Commerce (ONDC).

While describing the expanse and stretch at which this integration shall focus, The Minister of Commerce & Industry, Mr. Piyush Goyal also dwelt upon the need to brand ODOP products, most of which are natural, eco-friendly, sustainable, and good for the planet. Expanding the list of GI-tagged products by simplifying, streamlining, and fast-tracking the GI registration process has been prioritised amongst several other initiatives.

Legislation has been another center point and focuses on the Government to strengthen and ease the process involving obtaining a GI tag. This monsoon session witnessed the mentioning of the Geographical Indications of Goods (Registration and Protection) (Amendment) Bill, 2022. Furthermore, in August 2020, the Ministry of Commerce and Industry (Department for Promotion of Industry and Internal Trade) brought in an amendment to the Geographical Indications of Goods (Registration and Protection) Rules, 2002, which were also referred to as the Geographical Indications of Goods (Registration and Protection) (Amendment) Rules, 2020. These legislative moves aim to ease the entire process of obtaining a GI tag.

Lack of Awareness – A Roadblock?

Amidst several other dampeners, India's lack of awareness about GI Tags and their importance amongst various stakeholders like artisans, associations and producers is a significant challenge. For instance, the fact that Tamil Nadu had just 42 GI-tagged products, and the process was underway for 29 more products was a significant concern according to the Assistant Collector. It is statistics like this and other states which bring down India's cumulative score of the number of GI tags it possesses

and it's rank amongst other competing nations. There remains a considerable scope of work that is yet to be executed to unleash the full potential of the GI tag for a diverse country like India. Tamil Nadu would have at least 100 products worthy of securing a GI tag. It is all about increasing awareness and encouraging stakeholders to move towards this nation-building asset.

Is implementation the Key?

There have been several discussions around the challenges that even successful registrations see in their journey toward exploring the economic interests around a fully secured GI tag. The critical factor here remains around the concept of the intellectual property right of the product being confined to particular geography only as far as its commercial aspects are concerned. Farmers and producers face numerous challenges on the ground. Therefore, enforcement becomes critical in maintaining stakeholders' interest and power for their trust in GI as a concept. Experts say that the presence of a Certifying Authority will probably be the best way to keep a fact check on any GI-tagged product infringement. Blockchain technology is yet another way to ensure that fake products and manufacturers are kept out of the entire GI ecosystem. Issuing authorized user certificates is also important to maintain sanctity in the chain. Such certification, unique registration IDs, and GI logos enable all other sellers, resellers, exporters, etc serves as a deterrent to any sort of infringement.

The Shades of Grey

There are several case studies on how GI-tagged products, their producers, etc., go through a roller coaster journey right from securing a GI tag, unleashing its potential financially, renewing after 10 years and restarting again. For instance, Darjeeling Tea is one of the products that have proven the true potential a GI tag has, as it has seen a fivefold rise in its domestic prices until now. Similarly, oranges have their own success story in Nagpur as the sheer number of farmers cultivating them has doubled just in five years. Another litmus test is the annual export of about 35,000 kgs of Kovalpatti Kadalai Mittai.

But there is some not-so-encouraging news as well. These include the misuse and exploitation of the Banarasi Sarees across India or Etikoppaka toys for that matter. As small as 64 km of distance away from its origin, one can find the same toys being 'made and sold' using the GI tag.

Baby Steps towards a GI-Conscious Nation

India is undoubtedly waking up to the essence of being a GI tag-empowered nation across its boundaries. Adding to this passion are efforts like setting up a GI Promotion Cell under the Ministry of Handicrafts and Handlooms. Similarly, the Agricultural and Processed Food Products Export Development Authority (APEDA) runs a unique export promotion program that supports GI products and provides subsidies therein. Such splendid efforts also involve the Spice Board of India fostering the concept of GI marketing overall.

Considering this pace, India can undoubtedly aim at becoming a much stronger brand globally by virtue of its robust GI tags, not only in number but also uniqueness.