

EXPLORING THE POTENTIAL OF GEOGRAPHICAL INDICATIONS IN INDIA'S CULTURAL AND ECONOMIC LANDSCAPE

Kaushal Pandey¹ and Vikas Kumar²

¹Assistant Professor, School of Law, Graphic Era Hill University, Dehradun Campus.

E-mail: lawyerkausha00@gmail.com

²Assistant Professor, Indian Institute of Information Technology Vadodara-

International Campus Diu. E-mail: vikas_kumar@diu.iitvadodara.ac.in

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Abstract: The paper attempts to scrutinize the Geographical Indications (GIs) of India. The country, as a member of the World Trade Organisation (WTO), enacted the Geographical Indications of Goods (Registration & Protection) Act, 1999, which came into force with effect in the year 2003. In light of this, the objectives of the paper are i) to assess the performance of GI products in India, and ii) to highlight the GI authorized user application filed. The method of the study is based on secondary data access from the GIs registry. Findings: The study shows that the number of GI product registrations has increased in the last few years. During the year 2021-2022, 116 applications were filed, 46 applications were examined, and 50 Geographical Indications were registered. It may be because of enhancements in IP administration, digital reforms and reengineering of IP procedures.

Keywords: Geographical Indications, Intellectual Property Rights, GI registration, TRIPS, India

INTRODUCTION

Human ingenuity has been conferred legal protection under a separate kind of statutory and international instruments collectively known as Intellectual Property Rights (IPR) and cover seven categories, namely, copyright, patents, Trademarks, Geographical Indications, Industrial Designs, Trade secrets, and Integrated Circuits (Bikram, 2014; Ahuja, 2004). The other Intellectual

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Property (IPs) conferring private rights, Geographical Indications, have been recognised as an Intellectual Property (IP) that is unique, conferring community rights and has been extended international protection under the TRIPS Agreement as a separate branch of IP (Chakrabarti, 2021; Broccardo et al, 2025). Geographical Indications have been introduced as a new concept in the IP regime, though the evidence can be gathered from several international instruments, which show that closely related concepts to GI were in existence even during the pre-industrial era (Rangnekar, 2003; Grazioli, 2002). The term “appellations of origin” and “indication of source”, which resembles the concept of Geographical Indications, were found to exist under the Paris Convention, the Madrid Agreement, and the Lisbon Agreement. The term “indications of source” was found under the Paris Convention and Madrid Agreement, while the term “appellations of origin” was found under the Paris Convention and Lisbon Agreement (WIPO, 2025). These multilateral treaties offered weaker protection mainly due to two reasons: firstly, these conventions lacked enforcement mechanisms and secondly, due to fewer member states ratifying these conventions.

Further, for other types of IP, the TRIPS Agreement provides for the “minimum standard of protection for GIs” having proper enforcement mechanisms in true letter and spirit (WTO, 2025). India, being a signatory to the TRIPS Agreement and post basmati rice controversy, felt the need to frame a statutory framework for the protection of Geographical Indication, which is of utmost importance for an agro-based economy like India. Under the ratification of the TRIPS Agreement, India enacted the Geographical Indications of Goods (Registration and Protection) Act, 1999, which was brought into force on 15 September 2003, providing a comprehensive statutory framework for the registration and protection of Geographical Indications in India (Ministry of Commerce & Industry, 2002).

However, based on the above argument, the paper has been categorized into five parts including the introduction. The second part of the paper discusses the concept of Geographical indication in India. The third part provides the justification and the fourth part discusses the status of the Geographical indication of India. The final section concludes the argument.

GEOGRAPHICAL INDICATIONS: CONTEXTUALIZATION

Geographical Indications are the distinctive signs and symbols used to designate that particular goods originate from a particular geographical

origin (Chakrabarti, 2021). They are collectively owned with a strong inherent origin base, mostly referring to agricultural products but also include natural goods or manufactured goods or any goods of handicraft or goods of the industry, including foodstuffs (Rangnekar, 2003; Grazioli, 2002). The definition of Geographical Indications has been given under the Geographical Indications of Goods (Registration and Protection) Act of 1999, which reads as follows:

“Section 2 (e) “geographical indication”, about goods, means an indication which identifies such goods as agricultural goods, natural goods or manufactured goods as originating or manufactured in the territory of a country, or a region or locality in that territory, where a given quality, reputation or other characteristic of such goods is essentially attributable to its geographical origin and in case where such goods are manufactured goods one of the activities of either the production or of processing or preparation of the goods concerned takes place in such territory, region or locality, as the case may be.

Explanation: For this clause, any name that is not the name of a country, region or locality of that country shall also be considered as the geographical indication if it relates to a specific geographical area and is used upon or about particular goods originating from that country, region or locality, as the case may be;”

Subsequently, the definition of goods and Indications has also been defined under the Geographical Indications of Goods (Registration and Protection) Act of 1999, which reads as follows:

“Section 2 (f) “goods” means any agricultural, natural or manufactured goods or any goods of handicraft or industry and includes foodstuff;

Section 2 (g) “indication” includes any name, geographical or figurative representation or any combination of them conveying or suggesting the geographical origin of goods to which it applies;”

Thus, upon combined reading of these provisions indicates that the following essential conditions must be satisfied for any goods to be registered as GI under the Act:

1. The scope of the Goods that can be granted GI may be agricultural goods, manufactured goods, or any goods of handicraft or industry and includes foodstuffs.

2. If the goods originated from particular geographical areas, then the quality, attributes and characteristics possessed by those goods must be due to the climatic conditions or the soils of those geographical areas.
3. If the goods are manufactured goods, then any one of the activities either the production, processing or preparation of the goods must be done in those geographical areas.

RATIONALE FOR PROTECTION OF GEOGRAPHICAL INDICATIONS

The reasoning for protecting GI is none other than the reasoning advanced for protecting other kinds of IPs, more particularly trademarks (Rangnekar, 2002). The proprietor of the trademarks has built goodwill and reputation by using the marks on their products continuously over a long period, and customers started associating the marks with the proprietor's possessing high-quality and standard goods. Since the proprietor of the trademark accumulated the goodwill over a long period periods appropriation or free-riding will be allowed, which would disrepute, lower or turn a lower image of the proprietor's product proprietor leading to customers making unjust enrichment. A similar basis becomes the foundation for protecting Geographical Indications. The protection accorded to Geographical Indications against misappropriation and free-riding can be categorised into two broad principles, viz. Consumer Protection Principle and Producer Protection Principle (Rangnekar, 2003; Grazioli, 2002). Firstly, the consumer protection principle governs the misleading use of geographical indications and is largely based on public perception. This principle prohibits the use of protected GIs if the products do not originate from the geographical areas to which the indications refer. Here, in this principle, the protected GIs are said to be misleading only when the public perceives that the product originates from the same geographical areas that the indications indicate. Secondly, the producer protection principle governs against the dilution of geographical indications by free-riding on the reputation of free-riding GIs, which would constitute unjust enrichment and unfair competition. For the sake of protecting the protected GIs against freeriding, an additional inform freeriding additional information about the products is displayed on the

products. The Paris Invention contains provisions protecting the GIs against leading use of a source of indications and free-riding or unfair competition (WIPO, 2025). The refinement broadens the scope of the consumer protection principle by making the provision that all goods bearing a false or deceptive indication, directly or indirectly, shall be seized on importation (WIPO, 2025). The Lisbon Agreement contains effective provisions prohibiting the slated use of protected GIs with terms such as 'kind', 'type', 'make' or 'imitation' even where the true origin of the product is indicated (WIPO, 2025). The TRIPS Agreement contain the provision regarding the consumer protection principle under Article 22.2 (a) (misleading use of protected GIs) while Article 22.2 (b) contains a provision dealing with the producer protection principle (unfair petition). The protection against the deceptive representation of protected GIs is dealt with under Article 22.4 of the TRIPS with the event. Additionally, the TRIPS Agreement provides for a special provision regarding protection for Geographical Indications for Wines and Spirits (WTO, 2025).

STATUS OF GI REGISTRATION IN INDIA

The Geographical Indications Registry (GIR) has been established keeping in mind the sole motto for the better protection and administration of Geographical Indications of Goods in India. Since the conception of the Registry, the Registry has been actively engaged in the organisation of

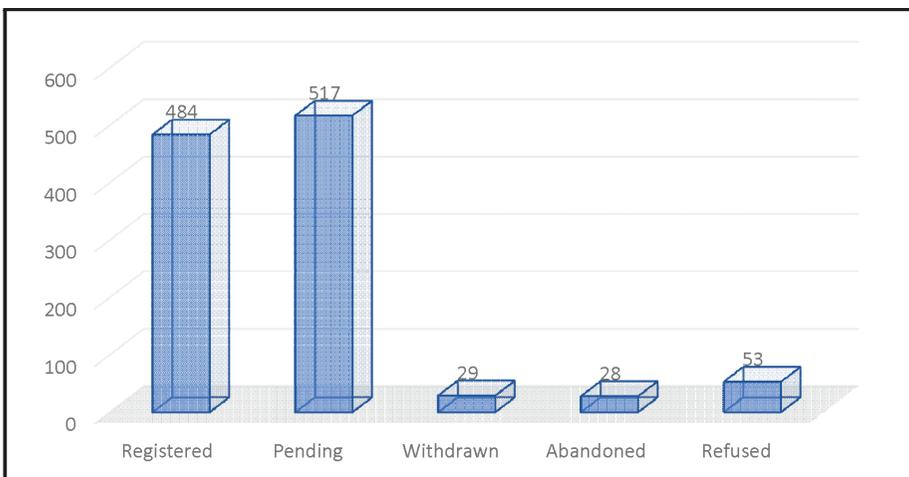


Fig. 1: Status of GIs Applications Received till 18th July 2023

Source: IPR Report, 2023

sensitisation Programmes for creating awareness regarding Geographical Indications and increasing the number of GI registrations the creation of the GI Registry, the Registry has started receiving applications for GI registration. The first application granted GI registration was for “Darjeeling (Tea)” in October 2004. The total number of one thousand one hundred eleven GI applications received till 18th July is 223. Out of the total applications received at the Registry, around 44% of the applications filed for GIs got registered, and 46% of the GIs applications are pending.

The figure above mentions the status of GI publications under varied categories along with the number of indicative applications (Registered, Pending, Withdrawn, Abandoned and Refused). It can be seen from the data that 484 applications are registered, and 517 applications are pending. On the other hand, 53 applications were refused, and 29 and 28 were withdrawn and abandoned, respectively. Further, state-wise registration of geographical products can also be seen. The figure below depicts the number of Geographical indications of Goods registered in each state and the GIs of foreign countries registered in India.

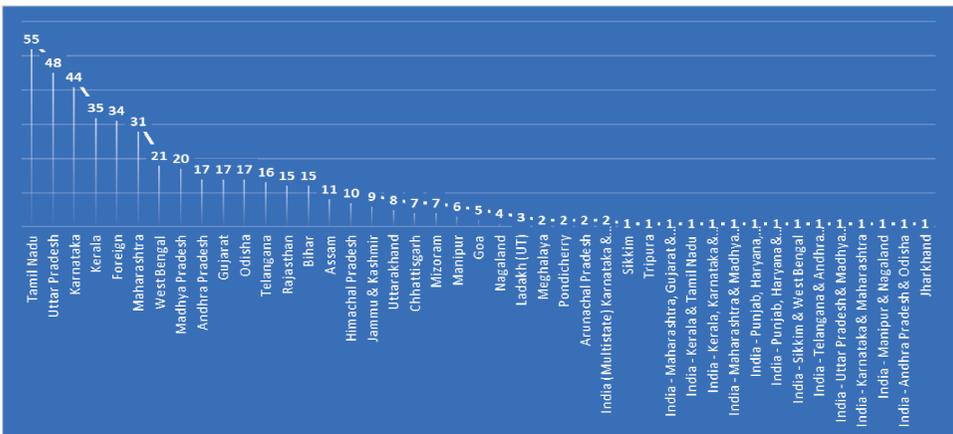


Fig. 2: States-wise distribution of Registered GIs

Source: Source: IPR Report, 2023

Based on the figure the State of Tamil Nadu secured the first position having the highest number of registered GIs while the state of Uttar Pradesh secured the second position in India comprised of various categories of Goods as defined under the Geographical Indications of Goods (Registration and

Protection) Act, 1999 (the state of Tamil Nadu and Uttar Pradesh having the number of registered GIs in Handicraft category – 33 and 34 respectively; Agricultural Goods – 13 and 09 respectively; Manufactured Goods – 02 registered GIs in each state; Food Stuffs – 6 and 02 respectively; and Natural Goods – 01 registered GI in each state).

In addition to this, there is a need to see the status of registered GIs Goods-wise as per the definition of Goods under the Geographical Indications of Goods (Registration and Protection) Act, 1999. Out of the total GIs registered in India in various categories, handicraft goods top the list by securing a total registration of two hundred fifty-five (255) GIs registered all over India, while one hundred fifty-two GIs are registered in the agricultural goods category. Makrana Marble (Rajasthan), Chunar Balua Patthar (Uttar Pradesh) and Marthandam Honey (Tamil Nadu) are the three goods registered as the GI in the Natural Goods category. In the manufactured goods category, some of the GIs registered are Mysore Agarbathi (Karnataka), Mysore sandalwood (Karnataka), Peruvian pisco (Peru) and Tequila (Mexico), and out of the total number of GIs registered in the manufactured goods category, more than 50% of the registered GIs belong to foreign states.

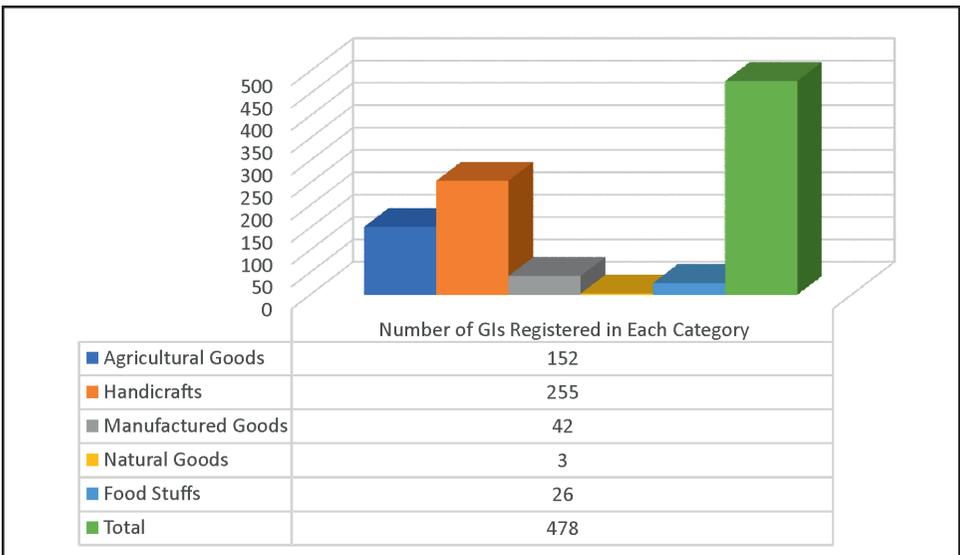


Fig. 3. Goods-Wise Categorization of Registered GIs till 18th July 2023

Source: Source: IPR Report, 2023

AUTHORISED USERS

The concept of Authorised User has gained enormous popularity under the GI Act. The concept of Authorised Users has become the super-saver of the interests of producers who engaged themselves in the production of goods. Section 17 of the Geographical Indication of Goods (Registration & Protection) Act, 1999 provides that the producers of the goods concerning which a GI has been granted may apply to be registered as an authorised user of such marks. It means that the scheme of the Act has tried to strengthen the position of the authorised users, thereby creating a scheme that, though an organisation is capable of obtaining GI marks, such marks are to be used by authorised users only. The provision for receiving GI Authorised User applications has been made since 2003, but the Registry started receiving GI Authorised User applications in May 2009, and the Registry has received 19187 (Nineteen Thousand One Hundred Eighty-Seven) GI Authorised User Applications as of July 11, 2023.



Fig. 4: Goods Wise Registered Users Applications

Source: Source: IPR Report, 2023

It can be observed from the data regarding the number of GI authorized user applications filed by the producers of registered goods. The maximum number of authorized user applications is filed in the agricultural and handicraft goods category.

The figure above contains the list of authorised user applications filed by the producers of the goods every year. The figure represents the data from 14th May 2009 to 11th July 2023. The maximum number of applications filed

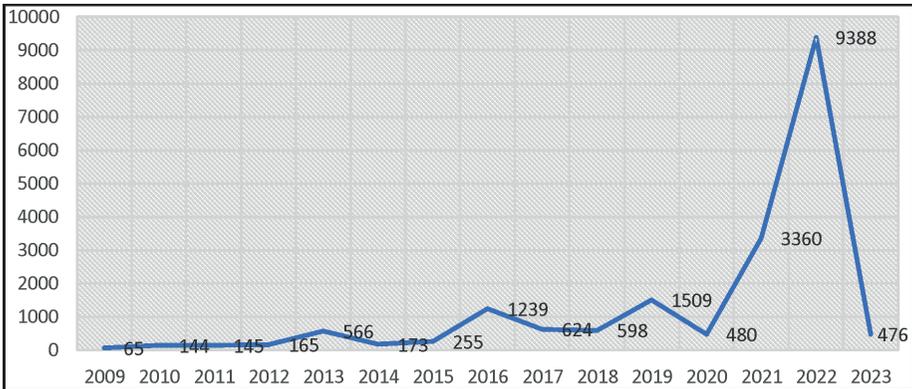


Figure 5: Year-Wise Registered Users Applications

Source: Source: IPR Report, 2023

by the producers of the goods filed the GI's authorized user application in the year 2022.

CONCLUSION

Based on the geographical region, India is very rich in terms of culture and biodiversity. Therefore, it has a higher potential to register many products under GI. The Geographical Indications Registry (GIR) has been established keeping in mind the sole motto for the better protection and administration of Geographical Indications of Goods in India. Since the conception of the Registry, the Registry has been actively engaged in the organization of sensitization Programmes for creating awareness regarding Geographical Indications and increasing the number of GI registrations the creation of the GI Registry, the Registry has started receiving applications for GI registration. The first application granted GI registration was for "Darjeeling (Tea)" in October 2004. The total number of one thousand one hundred eleven GI applications received till 18th July is 2023.

However, the number of registered GI products is still low. It may be that awareness is one of the reasons at the local level. Similarly, authorised user applications are also low, especially in manufacturing and foodstuffs. Though the provision for receiving GI Authorised User applications has been made since 2003 but the Registry started receiving GI Authorised User applications in May 2009, and the Registry has received 19187 (Nineteen Thousand One Hundred Eighty-Seven) GI Authorised User Applications as of July 11, 2023.

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