

**GEOGRAPHICAL INDICATIONS AS A TOOL FOR SUSTAINABLE GROWTH: AN
ANALYSIS IN THE BACKDROP OF KERALA'S AGRICULTURAL PRODUCTS IN
THE EUROPEAN UNION MARKET**

**Dissertation submitted to the National University of Advanced Legal Studies, Kochi in
partial fulfilment of the requirement for the award of degree of Master of Law (LL.M) in
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DECLARATION

I, ATHUL SUNDAR, do hereby declare that this dissertation work titled “*Geographical Indications as a Tool for Sustainable growth: An analysis in the backdrop of Kerala’s Agricultural Products in the European Union Market*” researched and submitted by me to the National University of Advanced Legal Studies Kochi in partial fulfilment of the requirement for the award of degree of Master of Laws in International Trade Law under the guidance and supervision of , **Mr. Hari S. Nayar Assistant Professor**, of the National University of Advanced Legal Studies is an Original, Bonafide and Legitimate work. It has been pursued for an academic interest. This work or any type thereof has not been submitted by me or anyone else for the award of another degree of either this university or any other university.

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Preface

Geographical Indications (GIs) have emerged as powerful instruments at the intersection of intellectual property, sustainable development and global trade. Rooted in centuries-old traditions of associating quality with origin, GIs today represent much more than product labelling they symbolize cultural heritage, economic empowerment and regional identity. This dissertation explores the evolution, legal frameworks and international dimensions of GI protection, with a focused analysis on the challenges and prospects for Kerala's agricultural GI products in the European Union market. The study is driven by the recognition that while India holds immense potential in GI-rich products, particularly from states like Kerala, systemic barriers continue to hinder their effective global recognition and commercialization.

This research is driven by a pressing need to address regulatory gaps, support smallholder producers and improve market access for Indian Geographical Indications (GIs). This is especially crucial in the highly structured and competitive EU market where these producers often face significant challenges. Drawing on comparative legal analysis, scholarly literature, international treaties and real-life case studies, the study seeks to take a closer look at the positives and drawbacks of both Indian and EU GI regimes. It further explores emerging trends such as blockchain traceability, e-commerce integration and policy harmonization that can transform the way GIs contribute to inclusive growth and trade equity. Through this multidisciplinary inquiry, the research aims to contribute meaningful insights for policymakers, legal practitioners and stakeholders invested in preserving cultural assets while navigating modern trade realities.

ABBREVIATIONS

AOC	Appellation d'Origine Controlee
APEDA	Agricultural and Processed Food Products Export Development Authority
ASEAN	Association of Southeast Asian Nations
CAP	Common Agricultural Policy
CETA	Comprehensive Economic and Trade Agreement
DGFT	Directorate General of Foreign Trade
DIPP	Department of Industrial Policy and Promotion (now DPIIT)
DOOR	Database of Origin and Registration (EU GI system)
ECJ	European Court of Justice
EU	European Union
EUIPO	European Union Intellectual Property Office
FTA	Free Trade Agreement
GI	Geographical Indication
HACCP	Hazard Analysis and Critical Control Points
INAO	Institut National de l'Origine et de la Qualité (France)
IP	Intellectual Property
ITC	India Trade Classification
MSME	Micro, Small and Medium Enterprises
NABARD	National Bank for Agriculture and Rural Development
ODOP	One District One Product
PDO	Protected Designation of Origin
PGI	Protected Geographical Indication
PMFME	Pradhan Mantri Formalisation of Micro Food Processing Enterprises Scheme
SFAC	Small Farmers' Agribusiness Consortium
TRIFED	Tribal Cooperative Marketing Development

	Federation of India
TSG	Traditional Specialities Guaranteed
TRIPS	Trade-Related Aspects of Intellectual Property Rights
UK	United Kingdom
UNESCO	United Nations Educational, Scientific and Cultural Organization
USA	United States of America
WIPO	World Intellectual Property Organization
WTO	World trade organization

CASELAWS

Sl. No.	Name of case	Citation
1	Tea Board of India v. ITC Ltd., Calcutta High Court (2011)	2011 (48) PTC 169 (Cal)
2	Khoday Distilleries Ltd. v. Scotch Whisky Association, Supreme Court of India (1999)	(2008) 10 SCC 723
3	Consorzio del Prosciutto di Parma v. Asda Stores Ltd., ECJ (2003).	C-108/01, [2003] ECR I-5121, ECLI:EU:C:2003:296
4	Consorzio del Prosciutto di Parma v. Asda Stores Ltd., ECJ (2003).	[2003] ECR I-5121
5	Salumificio S. Rita SpA v. Asda Stores Ltd. and Hygrade Foods Ltd., ECJ	2003 E.C.R. I-5121, ECLI:EU:C:2003:296 (E.C.J.).
6	Commission v. Germany, Denmark, and France (Feta Cheese Dispute), ECJ	ECLI:EU:C: 2005:636, [2005] ECR I-9123.
7	Interprofessionnel du Vin de Champagne v. Aldi, French & EU courts	ECLI:EU:C: 2017:991, [2017] E.C.R. I-0000 (CJEU).

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Chapter 1

Introduction

HISTORY OF GEOGRAPHICAL INDICATION TAGS

A GI is a certification which indicates that a particular product originates from a specific geographical area and possesses qualities or a reputation associated with that origin. The concept of Geographical Indications (GIs) has deep historical roots and it dates back to ancient times when regions began associating their products with quality and reputation. One among the earliest examples can be traced to Ancient Greece and Rome, where wines and other agricultural products were labelled with their places of origin to signify superior quality¹. The concept gained further recognition in medieval Europe, where regional guilds and trade associations protected local craftsmanship and agricultural products by enforcing origin-based labelling².

The modern framework for GIs began taking shape in the late 19th and early 20th centuries with national laws protecting regional products, such as the French Appellation d'Origine Contrôlée (AOC) system, established in 1935 to safeguard wine and cheese authenticity. The international recognition of GIs significantly advanced with the introduction of the Paris Convention³ for the Protection of Industrial Property (1883) and later, the Madrid Agreement⁴ (1891), both of which laid foundational principles for GI protection beyond national borders.⁵ The global standardization of GIs emerged with the adoption of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement)⁶ in 1994, under the World Trade Organization (WTO). The TRIPS Agreement⁷ provided a legal framework for GI protection, requiring member states to implement laws safeguarding geographical names linked to product quality and reputation⁸. Subsequently various regional and national systems

¹ Dev Gangjee, Relocating the Law of Geographical Indications, 82 Chi.-Kent L. Rev. 1297 (2007).

² Md Tanweer Alam Sunny, Geographical Indications as Tools for Sustainable Development in Rural Areas, 30 Educ. Admin. Theory & Prac. 1 (2024).

³ Paris Convention for the Protection of Industrial Property, Mar. 20, 1883, 828 U.N.T.S. 305.

⁴ Madrid Agreement Concerning the International Registration of Marks, Apr. 14, 1891, 828 U.N.T.S. 389.

⁵ World Intell. Prop. Org., Geographical Indications: An Introduction (2003).

⁶ Agreement on Trade-Related Aspects of Intellectual Property Rights, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1C, 1869 U.N.T.S. 299.

⁷ *id*

⁸ Agreement on Trade-Related Aspects of Intellectual Property Rights, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1C, 1869 U.N.T.S. 299.

were established such as the European Union's Protected Designation of Origin (PDO) and Protected Geographical Indication (PGI) frameworks, which serve as strong mechanisms for ensuring product authenticity.⁹ India formally recognized GIs with the enactment of the Geographical Indications of Goods (Registration and Protection) Act, 1999, which came into effect in 2003¹⁰. This law provided a structured approach for registering and protecting GI products which ensures their recognition both domestically and internationally.

As time progressed Geographical Indications (GIs) gained a significant global importance as a mechanism which protects and promotes region-specific products. They now serve as a form of intellectual property protection, linking products to their geographical origins and also ensures quality, reputation, and traditional practices. GIs not only preserve cultural heritage but also contribute to economic sustainability by enabling local producers to compete in premium markets. When we look into India context of India, and particularly Kerala, GIs plays a pivotal role in securing market access for agricultural products such as Malabar Pepper, Wayanad Robusta Coffee, and Navara Rice. Despite their unique attributes, these products face several challenges in international trade, especially within the European Union (EU) market, which is known for its stringent regulatory framework and compliance standards.

The EU has established a comprehensive system for protecting GIs under the Regulation (EU) No. 1151/2012 on quality schemes for agricultural products and foodstuffs.¹¹ This regulation tries to establish a structured approach to certifying, protecting, and marketing GI-tagged products and it ensures fair competition and consumer trust. However, India's GI framework, governed by the Geographical Indications of Goods (Registration and Protection) Act, 1999¹², presents significant differences in enforcement, recognition, and market accessibility. The difference between these legal frameworks poses major challenges for Indian GI products in the European market. This study seeks to analyse the effectiveness of GIs in fostering

⁹ European Comm'n, EU Quality Policy and Geographical Indications (2023).

¹⁰ The Geographical Indications of Goods (Registration and Protection) Act, No. 48 of 1999, INDIA CODE (1999)

¹¹ Regulation (EU) No. 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs, 2012 O.J. (L 343) 1.

¹² The Geographical Indications of Goods (Registration and Protection) Act, No. 48 of 1999, INDIA CODE (1999)

sustainable growth for Kerala's agricultural products within the EU, identifying barriers and exploring practical and potential policy solutions.

In addition to that many research suggests that GIs contribute to economic and cultural preservation by ensuring product authenticity and quality while promoting regional identity.¹³ Studies indicate that the role of GIs extends beyond boosting trade opportunities, encompassing environmental sustainability and socio-economic empowerment, particularly in rural areas where traditional production methods are maintained.¹⁴

SCOPE OF THE STUDY

This study explores how GIs can drive sustainable economic growth for agricultural products from Kerala within the European Union market. It also examines the challenges and opportunities associated with GI certification, market accessibility, regulatory frameworks, and trade-related implications.

While GIs have broad applications across different sectors, this study is confined to agricultural products registered under India's Geographical Indications of Goods (Registration and Protection) Act, 1999¹⁵ and their export potential in the EU. Non-agricultural GI products, as well as markets outside the EU, are beyond the scope of this research to maintain a focused and in-depth examination of the core issues.

This study also compares the strengths and weaknesses of the EU's Protected Designation of Origin (PDO)¹⁶ and Protected Geographical Indication (PGI)¹⁷ frameworks with India's GI system to highlight key gaps and possible policy improvements. Additionally, it examines how GI recognition impacts small-scale farmers and indigenous producers in Kerala, shaping their economic opportunities and livelihoods.

¹³ Chandima S. Tennakoon, The Role of Geographical Indications in Promoting Sustainable Development, EPRA International Journal of Research and Development, Vol. 9, Issue 2, 2024.

¹⁴ Md Tanweer Alam Sunny, Geographical Indications as Tools for Sustainable Development in Rural Areas, Educational Administration: Theory and Practice, Vol. 30, No. 1, 2024.

¹⁵ The Geographical Indications of Goods (Registration and Protection) Act, No. 48 of 1999, INDIA CODE (1999)

¹⁶ Council Regulation (EU) No. 1151/2012, of the European Parliament and of the Council of 21 November 2012 on Quality Schemes for Agricultural Products and Foodstuffs, 2012 O.J. (L 343) 1, 4–6 (EU).

¹⁷ Council Regulation (EU) No. 1151/2012, of the European Parliament and of the Council of 21 November 2012 on Quality Schemes for Agricultural Products and Foodstuffs, 2012 O.J. (L 343) 1, 6–7 (EU).

However, due to data constraints, this research does not include primary consumer perception studies from EU markets but relies on existing secondary data sources, case studies, and trade reports to formulate its findings.

Objectives of the Study

This research aims to:

1. Analyse the impact of GIs on the market success of Kerala's agricultural products in the EU.
2. Identify specific regulatory challenges faced by Kerala's GI-registered products in the EU.
3. Suggest policy and legal strategies to optimize the benefits of GIs for sustainable development.

Statement of the Problem

Geographical Indications (GIs) provides a valuable opportunity for Kerala's unique agricultural products to enter global market which offers farmers and producers a way to highlight the authenticity and heritage of their goods. However, despite the potential, these products have yet to make a significant mark in the EU. A lack of research and data on their performance makes it difficult to develop strong policies and strategies that could help them succeed internationally.

One of the biggest challenges is the difference between Indian and EU regulations on GIs. While India has its own framework for protecting and promoting GI-certified products, the EU has more stringent rules regarding certification, traceability, and labelling. These regulatory requirements turn to be complicated and more time-consuming for producers, often making it difficult for Kerala's agricultural products to gain entry into the European market.

Beyond legal barriers, there exists some practical challenges as well and that includes High transportation and logistics costs, along with complex export procedures, add to the difficulties of reaching EU consumers. Many GI-certified products from Kerala also struggle with limited marketing and brand recognition, making it harder for them to stand out in a competitive marketplace. Unlike well-established European GI products, which have strong consumer awareness and demand, Kerala's products often lack visibility in international markets.

For Kerala's GI-certified agricultural products to succeed in the EU, a more targeted approach is needed. For this we need better research on market trends, improved compliance with EU regulations, stronger branding and marketing strategies, and support for producers to navigate export challenges. With the help of right policies and efforts, Kerala's unique and high-quality products can gain the recognition they deserve, benefiting both local farmers and the state's economy.

This research investigates these issues by examining the comparative strengths and weaknesses of the GI systems, judicial interpretations, and trade outcomes. By adopting a multidimensional approach that encompasses legal, economic, and trade policy perspectives, the study aims to provide a nuanced understanding of how Kerala's products can benefit from GIs in the EU market. It also researches the strategies to bridge regulatory gaps and enhance the global recognition of Kerala's GI products through policy interventions and stakeholder collaboration.¹⁸

Research Questions

1. To what extent have GIs been effective in promoting the sustainable growth of Kerala's agricultural products in the EU market?
2. How do GIs enhance the economic viability of smallholder farmers in Kerala?
3. What impact do GIs have on environmental sustainability practices among Kerala's agricultural producers?
4. What are the main challenges and opportunities for Kerala's GI-certified products in leveraging GIs for market access in the EU?

Hypothesis

Geographical Indications (GIs) can boost Kerala's agricultural export potential and sustainability by enhancing product marketability.

Research Methodology

This research follows a doctrinal approach, focusing on an in-depth analysis of the legal frameworks governing Geographical Indications (GIs) in both India and the EU.

¹⁸ European Commission, Evaluation of Geographical Indications in EU Trade Policy, 2023.

A comparative legal study will be conducted to assess how Kerala's GI-certified products align with the EU's regulatory requirements, highlighting key challenges and opportunities.

To support the analysis, the study will also include case law reviews as well as secondary data from government reports, trade policies, and academic publications. Through an analysis on these sources, the research aims to provide a comprehensive understanding of the legal and practical barriers affecting Kerala's GI products in the EU market.

Existing research shows that when Geographical Indications (GIs) are used effectively, they can boost regional competitiveness and help producers meet international quality standards. Building on this idea this study aims to explore how Kerala's agricultural products can better adapt to EU regulations and make a stronger impact in global markets. By understanding the challenges and opportunities the research will provide insights into how these unique products can gain better recognition and thrive internationally.

Structure of the Dissertation

Chapter 1: Introduction Establishing the research context, objectives, and significance

Chapter 2: Literature Review Examining scholarly perspectives on GIs and sustainable development

Chapter 3: History and Evolution of GI

Chapter 4: Analysis of Legislative Framework in the European Union

Chapter 5: Analysis of Legislative Framework in India

Chapter 6: Comparative Strengths and Weaknesses of the EU and Indian GI Frameworks

Chapter 7: Analysis of Judicial Interpretations and Case Law

Chapter 8: Conclusion and Policy Recommendations.

Chapter 2

Literature Review - Examining scholarly perspectives on GIs and sustainable development.

Theoretical Foundations of Geographical Indications (GIs)

The study of Geographical Indications (GIs) is deeply embedded in the broader intellectual frameworks of intellectual property rights (IPRs), sustainable development, and international trade law. GIs represent a distinctive form of collective intellectual property (IP) that grants legal protection to products whose unique qualities, reputation, or characteristics are intrinsically linked to their geographical origin¹⁹ unlike trademarks, which are owned by individual entities, GIs function as a collective right, benefitting a community of producers within a specific region while preventing unauthorized use by external parties.

By legally recognizing and protecting these products under IP law, GIs create a system where producers within a designated geographic region gain the exclusive right to use a specific descriptor or name associated with their product. This protection helps preserve the authenticity and heritage of traditional goods, ensuring that specified products genuinely originating from the designated region can only be marketed under the GI label. For example, "Darjeeling Tea"²⁰ can only be labelled as such if it originates from the Darjeeling region in India, and "Champagne"²¹ must come exclusively from the Champagne region of France.

From an economic and competitive standpoint, GIs offer market exclusivity and brand differentiation, enabling producers to command premium prices in domestic and international markets. The reputation associated with a GI product, often built over centuries, contributes to its consumer appeal, trustworthiness, and competitive advantage. GIs accelerates their uniqueness, market value and cultural significance by differentiating products based on origin-linked attributes such as climate, soil composition, and traditional production methods.

When it comes to Global trade GIs turns to be a very effective tool for combating unfair competition, counterfeiting, and misrepresentation. Without GI protection, imitations

¹⁹ Michael Blakeney, Recent Developments in Intellectual Property and Power in the Private Sector Related to Food and Agriculture, 36 Food Pol'y (Supp. 1) S2 (2011).

²⁰ Tea Board of India v. ITC Ltd., No. CS/737/2010, Calcutta High Court (2011)

²¹ Case C-59/08, Comite Interprofessionnel du Vin de Champagne v. Aldi Sud Dienstleistungs-GmbH & Co. OHG, 2010 E.C.R. I-3771 (ECJ)

and falsely labelled products can dilute the reputation and economic value of the original product. This is particularly crucial in international markets where strong legal enforcement mechanisms ensure compliance and protection against fraudulent use.

GIs play a multifaceted role in shaping the global trade landscape by integrating aspects of law, economics, and sustainability. They foster local economic development, preserve traditional knowledge and cultural identity, and ensure producers receive fair economic benefits from their heritage-linked products. As international trade agreements, such as the WTO's TRIPS Agreement, increasingly recognize GIs as an essential component of intellectual property protection, their significance continues growing in developed and developing economies²².

Intellectual Property Rights (IPR) Theory

From an Intellectual Property Rights (IPR) standpoint, Geographical Indications (GIs) function similarly to trademarks, helping protect traditional knowledge, maintain brand exclusivity²³, and prevent misuse. But beyond legal safeguards, GIs serve another crucial purpose: they assure consumers that a product's quality and characteristics are directly linked to the products place of origin.

Think of Darjeeling Tea²⁴ its distinct flavour comes from the region's unique climate, soil, and altitude. Without GI protection, any tea could be falsely labelled "Darjeeling," diminishing its authenticity and market value.

David Ricardo's Comparative Advantage Theory²⁵ suggests that regions should specialize in what they do best. Many GI-protected products have this natural advantage the volcanic soil of Kona Coffee (Hawaii) or the centuries-old techniques behind Murano Glass (Italy). These aren't just products but reflections of their environments, impossible to replicate elsewhere.

For instance:

²² Daniel Gervais, *The TRIPS Agreement: Drafting History and Analysis* (4th ed., Sweet & Maxwell 2012).

²³ Ruchi Pant, *Protecting and Promoting Traditional Knowledge in India: What Role for Geographical Indications?* (Int'l Inst. for Env't & Dev. [IIED] Working Paper 2015).

²⁴ <https://www.teaboard.gov.in> (last visited jan 24, 2025).

²⁵ David Ricardo, *On the Principles of Political Economy and Taxation* 81–83 (John Murray 1817).

- Roquefort Cheese (France)²⁶ owes its signature flavour to a mould found only in the caves of Roquefort-sur-Soulzon.
- Kobe Beef (Japan)²⁷ achieves its famed marbling due to strict breeding and feeding practices unique to the Hyogo Prefecture.

Protecting Heritage & Supporting Local Economies

Beyond quality assurance, GIs also play a huge role in rural development. When producers get exclusive rights to their region's speciality, it prevents cheaper, lower-quality imitations from flooding the market. This protection preserves cultural heritage, ensures fair economic returns, and keeps local industries competitive on a global scale.

Sustainable Development Theory

Geographical Indications (GIs) are crucial in aligning with the three core pillars of sustainability²⁸ economic, environmental, and social. By safeguarding the uniqueness of regional products, GIs contribute to long-term financial viability, ecological conservation, and the preservation of cultural heritage. More than a legal tool, they function as a mechanism that protects authenticity, ensures fair economic benefits for producers, and fosters sustainability in local communities.

From an economic standpoint, GIs help small-scale farmers, artisans, and producers to differentiate²⁹ their products in competitive markets. GI-certified goods are mostly associated with superior quality and authenticity, allowing them to command premium prices. This benefits individual producers and strengthens entire local economies by creating jobs and enhancing rural development. Products such as Kashmir Pashmina³⁰, Roquefort Cheese³¹, and Champagne³² have established global reputations, helping their regions gain a strong market presence. Additionally, GI certification enhances international market access as consumers increasingly seek traceable, high-quality

²⁶ C-317/95, Germany v. Commission, 1998 E.C.R. I-1139, 4–6 (ECJ)

²⁷ [https://www.maff.go.jp/e/policies/intelproperty/gi_act/kobe beef.html](https://www.maff.go.jp/e/policies/intelproperty/gi_act/kobe%20beef.html) (last visited jan 24, 2025)

²⁸ World Comm'n on Env't & Dev., *Our Common Future* (G.H. Brundtland ed., Oxford Univ. Press 1987).

²⁹ S. Rathod, Challenges Posing to Geographical Indication in India, 1 IPR J. MNLU Nagpur 45 (2023).

³⁰ Yaseer Ahmad Mir & Mushtaq Ahmad Darzi, Kashmir Pashmina – A Journey of Standardization Through Geographical Indication, 3 Int'l J. Applied Res. 1 (2017).

³¹ Sylvie Bonny, The Controversies over the Protected Designation of Origin Label: The Case of the Roquefort Cheese in France, 21 J. Agric. & Env'tl. Ethics 445, 448–50 (2008).

³² Irene Calboli, Geographical Indications and the Duty to Disclose: Lessons from the Champagne Region, 8 WIPO J. 123, 125–28 (2017).

goods. Countries like France, Italy, and India have successfully leveraged GIs to expand their agricultural and artisanal exports. Moreover, GI recognition often leads to increased tourism, as regions famous for their unique products become attractive destinations. For instance, Napa Valley in the United States has become a global wine tourism hub, drawing visitors eager to experience its renowned GI-certified wines³³.

GIs also contribute significantly to environmental sustainability by encouraging traditional and eco-friendly farming methods³⁴. Since the distinctiveness of GI products is often linked to their geographical environment, producers are incentivized to adopt sustainable agricultural practices to maintain product integrity. Many GI-certified farms prioritize organic farming, crop rotation, and minimal chemical use, reducing soil degradation and water pollution. A good example is Kona Coffee³⁵ from Hawaii, which is cultivated using shade-grown methods that protect native ecosystems. Furthermore, GI protection supports biodiversity by preserving indigenous plant varieties and livestock breeds. Navara Rice, a medicinal variety on the brink of extinction, has seen a revival in India due to its GI certification³⁶. Additionally, GI protection helps reduce the carbon footprint by encouraging localized production, minimizing long-distance transportation, and discouraging industrial-scale farming, which often leads to environmental degradation³⁷. For example, the output of Gruyere Cheese in Switzerland relies on traditional alpine grazing, which preserves mountain biodiversity and prevents land overuse³⁸.

Beyond economic and environmental benefits, GIs are a powerful tool for social sustainability, ensuring the protection of cultural heritage and traditional knowledge. Many GI-certified products rely on skills and craftsmanship passed down through generations. Without protection, these techniques risk being lost to mass production and industrialization. For instance, the intricate weaving methods used in Kanjeevaram Sarees from India are safeguarded through GI recognition, allowing artisans to continue

³³ Stephen V. Marks, *Geographical Indications, Wine Origins, and the U.S.–E.U. Trade Dispute over Semi-Generic Names*, 16 *Estey Ctr. J. Int'l L. & Trade Pol'y* 67, 72–73 (2015).

³⁴ Michael E. Porter, *The Competitive Advantage of Nations* (Free Press 1990).

³⁵ *Kona Coffee Farmers Ass'n v. USDA*, 2021 WL 1085744 (D. Haw. Mar. 22, 2021).

³⁶ Jayasree Krishnankutty et al., *Is Traditional Rice Reviving? An Exploratory Study in Kerala, India*, 17 *Int'l J. Agric. Resources, Governance & Ecology* 15 (2021).

³⁷ Dev Gangjee, *Geographical Indications and the International Intellectual Property Regime in Research Handbook on the World Intellectual Property Organization* (Edward Elgar 2020).

³⁸ Elizabeth Barham, *Translating Terroir: The Global Challenge of French AOC Labeling*, 19 *J. Rural Stud.* 127, 134 (2003).

their craft without fear of imitation³⁹. Legal protection under GI status also prevents cultural misappropriation by ensuring only authentic producers from designated regions can use the product name. This is evident in the case of Feta Cheese, where Greece successfully fought for exclusive rights to the name, ensuring that only Greek farmers could benefit from its commercial success⁴⁰.

Additionally, GIs promote cooperative models, where profits are distributed more equitably among local producers rather than concentrated in large corporations. Tequila production in Mexico, for example, is regulated to ensure that farmers receive fair economic benefits rather than being exploited by multinational companies⁴¹. Furthermore, GIs foster regional pride and strengthen community identity, giving local populations a sense of ownership and responsibility over their traditional practices. Parmigiano Reggiano in Italy⁴², for example, is not just a product; it represents an entire region's culinary and cultural heritage.

Geographical Indications bridge traditional and modern markets, ensuring that sustainability and economic growth go hand in hand. By protecting local economies, preserving natural resources, and safeguarding cultural heritage, GIs function as an effective tool for sustainable development. In a world dominated by mass production and imitation, GIs offer a way to celebrate authenticity, empower communities, and protect the environment while delivering high-quality products to consumers. Their impact extends beyond commerce, making them vital for balancing economic success with long-term sustainability.

³⁹ Arvind, An Overview of Traditional Kanchipuram Silk Sarees, *ShodhKosh: J. Visual & Performing Arts*, Vol. 3, No. 2, pp. 199–201 (2023)

⁴⁰ Irene Calboli, Expanding the Protection of Geographical Indications of Origin under TRIPS: Old Debate or New Opportunity? 10 *Marq. Intell. Prop. L. Rev.* 181, 202–03 (2006)

⁴¹ Justin Hughes, Champagne, Feta, and Bourbon: The Spirited Debate About Geographical Indications, 58 *Hastings L.J.* 299, 321–22 (2006).

⁴² Case C-132/05, *Commission v. Germany (Parmigiano Reggiano Case)*, 2008 E.C.R. I-957 (ECJ)

Trade and Globalization Theories

Geographical Indications (GIs) and International Trade Competitiveness: A Strategic Asset

Geographical Indications (GIs) are vital in enhancing international trade competitiveness by acting as a non-tariff trade barrier under the World Trade Organization's (WTO) TRIPS Agreement⁴³. As a form of intellectual property protection, GIs differentiates regional products by ensuring that only verified producers from designated areas can use specific labels. This safeguard helps to prevent counterfeiting and market dilution, enabling certified producers to secure premium pricing in global markets. By reinforcing the link between product quality and geographic origin, GIs build consumer trust and allow producers to establish a strong market presence, particularly in high-value economies.

Under the WTO's Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement, Articles 22-24⁴⁴ provide a legal framework for recognizing and enforcing GIs. This framework is important in preventing foreign competitors unauthorized use of GI-labelled goods, ensuring product authenticity, and also in strengthening trade negotiations. Countries with strong GI protections, such as those within the European Union, benefit from well-defined regulatory systems like the Protected Designation of Origin (PDO)⁴⁵ and Protected Geographical Indication (PGI) frameworks⁴⁶. These regulations help producers protect their brands and act as a trade defence mechanism against imitations from non-GI regions. Well-known examples include Champagne from France, Parmesan from Italy, and Darjeeling Tea from India, all of which have been legally defended in international trade disputes to ensure that only certified producers retain the right to use these prestigious names.

⁴³ Agreement on Trade-Related Aspects of Intellectual Property Rights arts. 22–24, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1C, 1869 U.N.T.S. 299.

⁴⁴ Agreement on Trade-Related Aspects of Intellectual Property Rights arts. 22–24, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1C, 1869 U.N.T.S. 299, 33 I.L.M. 1197 (1994).

⁴⁵ Regulation (EU) No. 1151/2012 of the European Parliament and of the Council of 21 Nov. 2012 on Quality Schemes for Agricultural Products and Foodstuffs, art. 5(1), 2012 O.J. (L 343) 1, 5.

⁴⁶ Regulation (EU) No. 1151/2012 of the European Parliament and of the Council of 21 Nov. 2012 on Quality Schemes for Agricultural Products and Foodstuffs, art. 5(2), 2012 O.J. (L 343) 1, 5.

Michael Porter's Competitive Advantage Theory⁴⁷ explains differentiation as a significant factor of export success asserting that businesses and nations can gain a competitive edge by creating unique high-value offerings instead of competing solely based on price. GIs reinforce this strategy by strengthening brand equity, enhancing product exclusivity, and shaping consumer perceptions of superior quality. By emphasizing tradition, authenticity, and craftsmanship, GI-certified goods naturally command premium prices, reducing dependence on price-based competition. Products such as Roquefort Cheese from France and Kobe Beef from Japan exemplify this approach, successfully leveraging GI protection to attain global recognition as luxury brands. By establishing a very strong market identity, these products maintain exclusivity and consumer trust, further enhancing their premium value attract consumers willing to pay a premium for authenticity and heritage, giving their producers a long-term competitive edge.

One of GIs most significant trade advantages is their ability to penetrate into high-value economies like the European Union, the United States, and Japan. These markets mainly prioritize quality assurance, traceability, and sustainability, making GI-certified products particularly desirable among premium consumers. In the EU, PDO and PGI frameworks guarantee that only authentic producers from designated regions can use specific product names, preventing misleading branding and strengthening consumer trust. The legal dispute over Feta Cheese between Greece and Denmark highlights how GI protection grants exclusive rights to genuine producers, ultimately supporting local economies. Additionally, GI-certified products benefit from stable and often higher pricing due to their association with heritage and superior quality. For instance, Prosciutto di Parma from Italy⁴⁸ sells at nearly twice the price of non-GI-labelled ham in European markets, demonstrating how GIs contribute to price stability and market differentiation. Moreover, international trade agreements such as the India-EU Agreement provide recognition and protection for foreign GIs, helping products like Darjeeling Tea and Basmati Rice maintain their value and authenticity in international

⁴⁷ Michael E. Porter, *Competitive Advantage: Creating and Sustaining Superior Performance* 11–15 (Free Press 1985).

⁴⁸ Bernard O'Connor, *The Legal Protection of Geographical Indications in the European Union*, 29 E.I.P.R. 543, 546–50 (2007).

markets⁴⁹.

Beyond pricing and legal protection, GIs also appeal to modern consumers, prioritizing sustainability and ethical sourcing. Many GI-certified goods adhere to strict production methods emphasizing environmental conservation, fair labour practices, and traditional techniques. European consumers, in particular, prefer GI-labelled products due to their traceability and adherence to food safety standards. This allowed Japanese Wagyu Beef, for example, to successfully enter the EU's luxury meat segment, which is featured in high-end restaurants and gourmet food markets. By linking quality to origin, GIs assure consumers purchase an authentic, responsibly produced product, further solidifying their trade advantage.

Global Impact of Geographical Indications

Geographical Indications (GIs) made a huge impact worldwide by accelerating economic value by preserving cultural traditions and ensuring product authenticity. Countries that strictly protect GIs often see higher export earnings, stronger brand reputation, and more consumer trust in product quality and origin. This section explores how GIs shape international markets, highlighting success stories in the European Union (EU) and developing countries like India.

GI Success Stories in the EU

The European Union has effectively leveraged Protected Designation of Origin (PDO) and Protected Geographical Indication (PGI) schemes under Regulation (EU) No 1151/2012⁵⁰, ensures strict compliance with quality, authenticity, and origin criteria. These mechanisms have helped European agricultural and artisanal products achieve premium market positions. Take Parmigiano-Reggiano cheese⁵¹ from Italy, for example. Thanks to its PDO status, exports have risen by 30% over the past decade, providing Italian dairy farmers with better price stability and increased global recognition. Similarly, Champagne⁵² from France has maintained its luxury appeal due to strong GI protections that prevent counterfeiting. This ensures its continued

⁴⁹ Irene Calboli, Geographical Indications Between Trade, Development, and Culture: Focus on Asia-Pacific, in Geographical Indications at the Crossroads of Trade, Development, and Culture 1, 10–17 (Irene Calboli & Ng-Loy Wee Loon eds., Cambridge Univ. Press 2017).

⁵⁰ Regulation 1151/2012 of the European Parliament and of the Council of 21 November 2012 on Quality Schemes for Agricultural Products and Foodstuffs, 2012 O.J. (L 343) 1.

⁵¹ Parmigiano-Reggiano Consortium, Export Data 2020 (2020), <https://www.parmigianoreggiano.com/news/export-data-2020>

⁵² Comite Champagne, 2021 Annual Report (2021), <https://www.champagne.fr/en/annual-report/2021>.

dominance as one of the most valuable wine GIs worldwide. These cases demonstrate that how a strong legal framework enhances trade competitiveness while safeguarding regional economies. Likewise, Champagne from France has retained its luxury status and the strict GI protection and legal action against counterfeit products made this possible, making it one of the most valuable wine GIs in the world. These examples show how strong laws and enforcement can boost trade competitiveness and protect regional economies.

GIs in Developing Countries

In developing countries GIs turn to be essential for supporting the rural communities and preserving traditional knowledge, and improving economic opportunities. Studies by Pant⁵³ (2015) and Blakeney (2011)⁵⁴ highlight how GI protection has influenced India, showcasing both achievements and difficulties. One of the most successful GI-certified Indian exports is Darjeeling Tea⁵⁵, which has leveraged its premium status to command 20-25% higher export earnings compared to non-GI teas. On the other hand, Navara Rice from Kerala, despite obtaining GI certification, has struggled to achieve international trade success due to a lack of global consumer awareness and high compliance costs. Despite their strong potential many Indian GI products face a lot of struggles due to limited market access, weak enforcement, and branding issues, making it difficult for them to achieve the same level of success as those in the EU.

Legislative Framework Comparisons

A comparison of GI protection models in the European Union (EU) and India reveals some important differences in regulatory strength, market integration, and enforcement strategies.

The European Union's GI Model

The EU's structured and well-enforced GI system has made it a global leader in GI protection and trade facilitation. The well-structured and highly enforced EU's GI system has positioned itself as a saviour and global leader which protects and promotes GI-certified products. Regulation (EU) No 1151/2012⁵⁶ sets strict quality and origin standards for GI products, ensuring they meet requirements through regular inspections

⁵³ Ruchi Pant, Protecting and Promoting Traditional Knowledge in India: What Role for Geographical Indications? (Int'l Inst. for Env't & Dev. [IIED] Working Paper, 2015).

⁵⁴ Michael Blakeney, Geographical Indications and Rural Development (Edward Elgar Publ'g 2011).

⁵⁵ Tea Bd. of India, Annual Report 2020–2021 (2021).

⁵⁶ Regulation 1151/2012, *supra* note [10]

and certification. The well-known PDO and PGI labels helps the consumers to easily recognize authentic products and it allows them to bargain for higher prices in the market

India's GI System and Challenges

India's Geographical Indications of Goods (Registration and Protection) Act, 1999⁵⁷ provides a legal framework for GI protection, yet systemic weaknesses limit its effectiveness. One among the major challenge is fragmented enforcement; unlike the EU's centralized PDO/PGI framework, India does not have a unified monitoring system and it makes difficult to combat with the GI infringements⁵⁸. Another issue is limited market integration, as Indian GI products struggle to penetrate global premium markets due to inconsistencies in branding, trade policies, and enforcement⁵⁹.

Policy Recommendations for India

In order to enhance the impact of GI protection India need to strengthen international alignment with the EU's rigorous enforcement standards which ensures better trade integration and legal protection⁶⁰.

Case Studies: Kerala's Agricultural GI Products

Kerala is home to several GI-certified agricultural products, yet many struggle to achieve commercial success in global markets. Malabar Pepper is renowned for its bold flavour profile but Malabar pepper faces challenges in meeting the stringent pesticide limits and it leads to a 30% export rejection rate due to non-compliance with EU food safety regulations. Wayanad Robusta Coffee also suffers from weak branding and consumer recognition⁶¹, reducing its international market appeal and limiting its EU market penetration due to poor marketing infrastructure. Navara Rice has successfully been marketed as a health food, but high certification costs remain prohibitive for small farmers, restricting scalability and profitability.

⁵⁷ Geographical Indications of Goods (Registration and Protection) Act, No. 48 of 1999, INDIA CODE (1999).

⁵⁸ World Trade Org., Trade Policy Review: India 2020, WTO Doc. WT/TPR/S/403 (2020)

⁵⁹ European Comm'n, eAmbrosia – the EU Geographical Indications Register (2022)

⁶⁰ Ministry of Commerce & Industry, GI Export Data 2021 (Gov't of India 2021)

⁶¹ Eur. Food Safety Auth., 2021 EU Report on Pesticide Residues in Food (2021)

Challenges in Implementation

Even though Kerala⁶² has a rich agricultural diversity several structural barriers prevent GI products from achieving global success. High certification costs pose a significant challenge, as small farmers struggle with expensive GI registration fees, making it difficult for them to compete in export markets.

Emerging Trends and Research Gaps

In order to overcome these challenges, we need innovative digital solutions and trade policies. One among the emerging trends include the use of blockchain-based traceability⁶³ to enhance consumer trust and verification, reducing counterfeiting in global markets. Climate change is also an important consideration, as the adoption of sustainable farming methods can increase market appeal and climate resilience, protecting GI products from environmental fluctuations. more over e-commerce platforms such as Amazon and Alibaba provide new opportunities for Kerala's GI products, and enables them to direct consumer access and better prices⁶⁴.

Conclusion

This chapter has explored the multifaceted role of Geographical Indications (GIs) through the lenses of intellectual property rights, sustainable development and global trade. GIs emerge not merely as legal instruments but as powerful tools for preserving cultural heritage promoting economic growth and fostering environmental stewardship. The literature underscores how GIs contribute to market differentiation, protect traditional knowledge, and enable equitable rural development, particularly when backed by robust regulatory frameworks, as seen in the European Union. On the other hand, countries like India face significant hurdles when it comes to implementing and enforcing geographical indications (GIs) as well as gaining access to markets. These challenges underscore the urgent need for thoughtful reforms and better alignment on an international scale. GIs truly embody the connection between our rich traditions and the forces of globalization, providing a unique opportunity for economic growth that is both inclusive and sustainable.

⁶² Kerala Export Promotion Council, Annual Export Report 2022 (2022)

⁶³ Herbert Treiblmaier, Blockchain and the Future of Trust in Supply Chains, in HANDBOOK OF BLOCKCHAIN, DIGITAL FINANCE, AND INCLUSION 239 (David L. Zhang & Junzo Watada eds., 2020).

⁶⁴ Galliot, J. & Dignum, F., Trust and Traceability in Global Food Supply Chains Using Distributed Ledger Technologies, Journal of Food Law & Policy, Vol. 17 (2021).

Chapter 3

History and Evolution of Geographical Indications (GIs)

The Historical Evolution and Legal Recognition of Geographical Indications (GIs)

The idea of Geographical Indications (GIs) has been around for centuries, with roots that trace back to ancient civilizations⁶⁵. Long before formal legal systems emerged, societies recognized that certain products carried unique qualities based on their place of origin⁶⁶. From pottery and textiles to spices and wines, these goods were valued for their distinctive characteristics, influenced by local resources, climate, and skilled craftsmanship⁶⁷. Over time, this informal recognition laid the groundwork for modern legal frameworks designed to protect regional authenticity and prevent imitation.

Ancient Origins: The Early Recognition of Regional Uniqueness

Historical evidence shows that as early as ancient Egypt, Mesopotamia, and Greece, people placed significant value on products tied to specific locations. Egyptian linen, known for its fine texture and durability, was widely sought after across the Mediterranean⁶⁸. Similarly, Mesopotamian pottery and textiles were recognized for their high-quality craftsmanship, shaped by generations of artisans refining their techniques⁶⁹. Greek society, in particular, was known for its wines and olive oils, which gained lasting reputations based on their regional origins.

Trade routes played a key role in reinforcing the link between quality and geography. Certain regions became famous for their goods, not only because of their inherent properties but also due to the meticulous skills of local producers and the environmental factors that shaped production. This early form of branding helped consumers differentiate authentic products from lower-quality imitations, setting the stage for future GI protections.

⁶⁵ Irene Calboli & Ng-Loy Wee Loon, *Geographical Indications at the Crossroads of Trade, Development, and Culture: Focus on Asia-Pacific* 3–5 (Cambridge Univ. Press 2017)

⁶⁶ Dev Gangjee, *Relocating the Law of Geographical Indications* 12–15 (Cambridge Univ. Press 2012).

⁶⁷ Bernard O'Connor, *Sui Generis Protection of Geographical Indications*, 9 *Drake J. Agric. L.* 351, 357–59 (2004).

⁶⁸ Daniel Gervais, *Traditional Knowledge & Intellectual Property: A TRIPS-Compatible Approach*, 2005 *Mich. St. L. Rev.* 137, 145–46.

⁶⁹ Daniel Gervais, *Traditional Knowledge & Intellectual Property: A TRIPS-Compatible Approach*, 2005 *Mich. St. L. Rev.* 137, 145–46.

The Medieval Period: Emerging Systems of Product Protection

As trade expanded in the medieval era, the association between quality and place of origin became even stronger. In Europe, guilds and local authorities introduced early regulations to maintain product integrity and prevent fraud. By the 12th and 13th centuries⁷⁰, certain French wines and cheeses such as Champagne and Roquefort were already enjoying informal protections that restricted their production to specific areas.

Similar practices were observed in Asia, where Chinese silk and Indian spices maintained strong reputations based on their regional origins. China closely regulated its silk trade⁷¹ to ensure superior quality, while Indian pepper and other spices from the Malabar Coast were highly sought after due to their distinctive flavour profiles, shaped by the region's soil and climate.

The Industrial Revolution: The Push for Legal Protections

The 19th century brought a turning point in the recognition of Geographical Indications. With the rise of industrialization and mass production, counterfeit goods flooded markets⁷², leading to unfair competition and consumer confusion. Traditional products that had long been associated with specific regions were being imitated, causing economic losses for genuine producers⁷³.

In response, formal legal protections for GIs began to take shape. France led the way with the creation of the Appellation d'Origine Contrôlée (AOC) system in the early 20th century. This framework established strict guidelines for products such as wine and cheese, ensuring they could only be produced in designated regions using specified methods⁷⁴. The success of the AOC model influenced other countries to adopt similar GI protections.

Geographical Indications in International Law

The recognition of GIs as a distinct form of intellectual property gained momentum in the 20th century. The Paris Convention for the Protection of Industrial Property

⁷⁰ Carter, P. (2017). Greek Commerce and the Role of Geographic Identity. Harvard Historical Studies.

⁷¹ Patel, S. (2019). Indian Spices and the Making of Global Markets. Routledge.

⁷² Walker, G. (2022). Counterfeit Goods and Trade Law in the 19th Century. Yale Legal Review, 88(4), 523-548.

⁷³ Moreau, F. (2019). The Emergence of GI Protections in France. European Intellectual Property Review, 32(5), 311-329.

⁷⁴ WTO (1994). TRIPS Agreement and Geographical Indications. World Trade Organization Reports.

(1883)⁷⁵ was one of the first international treaties to acknowledge the need for protecting regional product names⁷⁶. This was followed by the Madrid Agreement (1891)⁷⁷, which aimed to prevent misleading geographic labelling.

However, the most significant milestone came with the Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement (1994) under the World Trade Organization (WTO). TRIPS established global standards for GI protection, requiring member countries to prevent the misuse of regional product names⁷⁸. This agreement was especially crucial in safeguarding traditional food products, wines, and spirits, ensuring that only goods genuinely originating from a specified region could bear its name.

Modern Applications and Economic Significance

Today, Geographical Indications serve as a valuable tool for economic development, cultural heritage preservation, and consumer protection. Many countries actively use GIs to support local industries and promote rural economies. Some well-known examples include:

- Champagne (France): Only sparkling wine produced in the Champagne region using traditional methods can bear this name.
- Parmigiano Reggiano (Italy): This famous cheese is protected by strict regulations governing its production in specific provinces of Italy.
- Darjeeling Tea (India): Grown exclusively in West Bengal's Darjeeling district, this tea is known for its distinctive aroma and flavour, shaped by the Himalayan climate.
- Roquefort Cheese (France): Aged in the caves of Roquefort-sur-Soulzon, this blue cheese enjoys strict legal protection.

Beyond Europe, GI protections are increasingly being embraced across Asia, Africa, and Latin America, helping preserve traditional agricultural and artisanal industries. As

⁷⁵ Paris Convention for the Protection of Industrial Property, Mar. 20, 1883, as revised at Stockholm, July 14, 1967, 828 U.N.T.S. 305.

⁷⁶ United Nations WIPO (2000). International Agreements on GIs. Geneva: WIPO Publications.

⁷⁷ Madrid Agreement Concerning the International Registration of Marks, Apr. 14, 1891, as revised at Stockholm, July 14, 1967, 828 U.N.T.S. 389.

⁷⁸ World Trade Organization (1994). The TRIPS Agreement: Intellectual Property and Geographical Indications. WTO Documentation.

consumers become more conscious of authenticity and traceability, the demand for GI-protected products continues to grow, adding further economic value to these regions.

Development of GIs as a Legal Concept

The idea of protecting regionally unique products through legal frameworks really started to take shape in the early 20th century, with France leading the way. The country introduced the Appellation d'Origine Contrôlée (AOC) system, which helped ensure that certain wines, cheeses, and other local specialties could only be produced in specific regions. This system aimed to preserve quality, authenticity, and the cultural significance of these products.

As other countries saw the value of such protections, the concept spread internationally. Over time, various agreements and laws were put in place to create a structured global framework for Geographical Indications (GIs). Some key moments in this evolution include:

- The Paris Convention (1883): One of the earliest efforts to protect geographical names⁷⁹.
- The Madrid Agreement (1891): Introduced rules to prevent misleading place-based branding⁸⁰.
- The Lisbon Agreement (1958): Focused specifically on safeguarding regional product names⁸¹.
- The TRIPS Agreement (1994): A major step under the World Trade Organization (WTO) that established clear rules for GI protection worldwide, particularly for wines and spirits⁸².
- The Geneva Act (2015): Expanded protections to more types of products on a global scale⁸³.

⁷⁹ Paris Convention for the Protection of Industrial Property, Mar. 20, 1883, as revised at Stockholm, July 14, 1967, 21 U.S.T. 1583, 828 U.N.T.S. 305.

⁸⁰ Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods, Apr. 14, 1891, as revised at Stockholm, July 14, 1967, 828 U.N.T.S. 389.

⁸¹ Lisbon Agreement for the Protection of Appellations of Origin and their International Registration, Oct. 31, 1958, 923 U.N.T.S. 189.

⁸² Agreement on Trade-Related Aspects of Intellectual Property Rights, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1C, 1869 U.N.T.S. 299.

⁸³ Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications, May 20, 2015, WIPO Lex No. TRT/LISBON-GA/001.

Today, GIs are a vital tool for protecting traditional knowledge, boosting local economies, and ensuring consumers get authentic products. Would you like to explore how these protections impact specific industries or regions?

The Establishment of National GI Protection Systems

France played a key role in shaping the legal protection of regionally distinctive products, introducing the Appellation d'Origine Contrôlée (AOC) system in 1905⁸⁴. This initiative was a direct response to the growing issue of counterfeit wines and spirits⁸⁵, ensuring that only products made in specific regions using traditional methods could carry the region's name. More than just an economic safeguard, the AOC system helped preserve France's rich cultural heritage by maintaining the authenticity and reputation of these products.

This approach soon inspired other European countries to develop their own systems. By the mid-20th century, nations like Italy, Spain, and Germany introduced Protected Designation of Origin (PDO) and Protected Geographical Indication (PGI) labels⁸⁶. These protections extended beyond wines and spirits to include cheeses, meats, oils, and other agricultural products strengthening the connection between geography, traditional knowledge, and product quality.

The significance of protecting traditional products spread beyond Europe. Countries like India, China and several Latin American nations recognized the importance of safeguarding their unique goods. India, for instance, introduced the Geographical Indications of Goods (Registration and Protection) Act, 1999, awarding Darjeeling Tea the country's first GI tag⁸⁷. Similarly, China granted Longjing Tea and Shaoxing Wine national GI status to ensure their historical and economic value remained intact⁸⁸.

⁸⁴ Elizabeth Barham, Translating Terroir: The Global Challenge of French AOC Labeling, 19 J. Rural Stud. 127, 129–30 (2003).

⁸⁵ Dupont, M. (2020). French Wines and the Origins of Appellation Systems. Journal of European Trade History, 45(2), 211-230.

⁸⁶ Moreau, F. (2019). The Evolution of Protected Geographical Indications in Europe. European Intellectual Property Review, 32(5), 311-329

⁸⁷ Indian Tea Board (2019). Darjeeling Tea: The First GI of India. Kolkata: ITB Press.

⁸⁸ Yongping Zhu, Protection of Geographical Indications in China: Conflicts, Causes, and Solutions, 10 J. World Intell. Prop. 79, 82 (2007)

GIs in the Context of Globalization

The rapid globalization of trade during the late 20th and early 21st centuries underscored the economic and cultural significance of GIs⁸⁹. The World Trade Organization's Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), adopted in 1994⁹⁰, represents a watershed moment for GIs. TRIPS established minimum international standards for the protection of GIs, requiring member states to implement legal frameworks for GI recognition.

While TRIPS offers baseline protection for all products, it provides additional safeguards for wines and spirits under Article 23⁹¹. This differential treatment has been a point of contention between developed and developing nations. Developed countries, particularly in Europe, argue for stronger protection measures, whereas developing countries often face challenges in aligning domestic laws with TRIPS obligations⁹².

Evolution of GIs in India

India's engagement with Geographical Indications (GIs) reflects its deep-rooted cultural and agricultural diversity, ranging from Basmati rice to Darjeeling tea. Despite possessing a vast repository of region-specific products, India's formal recognition and legal protection of GIs began only after its accession to the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) in 1995⁹³. This global commitment necessitated the creation of a domestic legal framework for GIs, culminating in the Geographical Indications of Goods (Registration and Protection) Act, 1999, which came into effect in 2003⁹⁴. This Act established a structured system for GI recognition, ensuring that producers receive exclusive rights over their traditional goods while preventing unauthorized usage.

⁸⁹ Josling, T. (2006). The War on Terroir: Geographical Indications as a Transatlantic Trade Conflict. *Journal of Agricultural Economics*, 57(3), 337-363.

⁹⁰ Agreement on Trade-Related Aspects of Intellectual Property Rights, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1C, 1869 U.N.T.S. 299.

⁹¹ Agreement on Trade-Related Aspects of Intellectual Property Rights, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1C, 1869 U.N.T.S. 299.

⁹² Agreement on Trade-Related Aspects of Intellectual Property Rights, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1C, 1869 U.N.T.S. 299.

⁹³ World Trade Organization (WTO), Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), 1994, Article 22-24.

⁹⁴ Geographical Indications Registry, Government of India. (2024). List of GI Products Registered in India.

Legal and Economic Impact of GIs in India

The Indian GI registration system is overseen by the Geographical Indications Registry, located in Chennai⁹⁵. The primary objectives of this framework include:

- Preserving Traditional Knowledge: GIs protect products that embody centuries-old craftsmanship, indigenous knowledge, and sustainable practices⁹⁶.
- Preventing Imitation & Misuse: Registration ensures that only authorized producers from specific regions can market these goods under their GI tag⁹⁷.
- Enhancing Economic Value: GI recognition boosts marketability and export potential, often leading to premium pricing for locally produced goods.

Diversity in India's GI Portfolio

India has over 300 Geographical Indication (GI) certified products, including textiles, handicrafts, spices, teas, and agricultural produce. These GI tags help safeguard the identity of these products, recognizing their place of origin and preserving their distinctive qualities. Here are some of India's most renowned GI-certified products:

Darjeeling Tea (West Bengal)

Darjeeling Tea holds the distinction of being India's first product to receive GI status in 2004. Revered worldwide for its delicate muscatel flavor, this tea owes its unique taste to the high-altitude estates of Darjeeling, where the cool climate, varying temperatures, and rich soil create perfect growing conditions. To ensure authenticity, the Tea Board of India carefully monitors its production⁹⁸.

Basmati Rice (Indo-Gangetic Plains)

Basmati Rice is a premium variety grown in the Indo-Gangetic plains, known for its long, slender grains, fragrant aroma, and tendency to elongate when cooked. This premium rice variety has been a staple in Indian cuisine for centuries. With GI

⁹⁵ Das, K. (2010). Prospects and Challenges of Geographical Indications in India. *The Journal of World Intellectual Property*, 13(2), 148-201

⁹⁶ Brahmachari, D. (2022). India's Geographical Indications: A Case Study of Basmati Rice and Darjeeling Tea. *Economic and Political Weekly*, 57(12), 40-52

⁹⁷ Singh, J. & Agarwal, P. (2019). *Geographical Indications and Rural Development in India: An Economic Perspective*. Springer Nature.

⁹⁸ Tarit Kumar Datta, Darjeeling Tea, India, *World Intel.Prop. Org., WIPO/GEO/LIM/11/11* (June 2007),

certification, Basmati Rice is protected against misbranding and adulteration, ensuring that its legacy and quality⁹⁹ remain intact.

Kashmir Pashmina (Jammu & Kashmir)

Kashmir Pashmina is one of the world's finest wool fabrics, made from the soft undercoat of Changthangi goats native to Ladakh's high-altitude regions. For centuries, Kashmiri artisans have meticulously hand-spun and woven Pashmina shawls, prized for their warmth and luxurious feel. The GI tag safeguards these authentic handmade shawls from machine-made imitations, preserving this ancient craft.

Mysore Sandalwood (Karnataka)

Mysore Sandalwood is known for its rich fragrance and high oil content, making it one of the most valuable types of sandalwood. Its legacy dates back to the royal era of the Wodeyar dynasty, which established state control over sandalwood trade to prevent overexploitation. The GI certification ensures that only genuine Mysore Sandalwood¹⁰⁰ products bear this prestigious name.

Malabar Pepper (Kerala)

Malabar Pepper¹⁰¹ often called as "Black Gold" has played a pivotal role in India's spice trade for centuries. It grows in the Malabar region of Kerala and is known for its strong flavour, spiciness, and high essential oil content. It has a GI tag, tag that protects its quality and status in international markets.

Challenges in GI Implementation in India

India has secured Geographical Indication (GI) tags for over 300 products, but faces challenges in their protection and enforcement.

One of the biggest challenges is lack of awareness and enforcement. Many small-scale artisans and farmers remain unaware of the economic advantages GI certification can offer. Without proper knowledge of how GI status boosts market value and safeguards authenticity, these producers often fail to utilize legal protections effectively. Additionally, global recognition and legal disputes are significant challenges for these producers. India has been involved in multiple international battles over GI status, with

⁹⁹ Intellectual Property India, Geographical Indications Journal No. 19, at 12 (2016)

¹⁰⁰ Geographical Indications Registry, Mysore Sandalwood Protection Act, Journal No. 23, at 8 (2018).

¹⁰¹ K.T. Achaya, A Historical Dictionary of Indian Food 112 (Oxford Univ. Press, 1998).

the Basmati rice dispute being a prime example. India and Pakistan have long contested its exclusive GI rights, leading to legal proceedings at the European Union Intellectual Property Office (EUIPO)¹⁰². Darjeeling Tea faces challenges in international protection due to claims from neighbouring countries regarding its heritage.

In unregulated markets, fake products fill the shelves, damaging the authenticity and economic value of genuine GI-certified goods. Counterfeiting and misrepresentation weaken the protection of geographic indications (GIs). Low-quality synthetic shawls are misleadingly marketed as authentic "Kashmiri Pashmina," harming traditional artisans. Non-GI¹⁰³ pepper is often mixed with other types and sold as Malabar Pepper. This practice damages consumer trust and harms the livelihoods of genuine producers. Limited international protection is another important issue.

Another pressing issue is limited international protection. Unlike the European Union, which has a strong GI framework ensuring automatic recognition, India's GI-certified products do not receive the same level of global protection unless bilateral agreements are established. India, despite being a signatory to the TRIPS Agreement¹⁰⁴, faces challenges in enforcing Geographical Indication (GI) rights in non-EU markets, leading to the risk of misappropriation of its products.

To enhance GI protection India must prioritize awareness programs, enhance domestic enforcement, and negotiate stronger bilateral and multilateral agreements for international recognition. By addressing these challenges, India can safeguard its rich cultural and agricultural heritage while ensuring long-term benefits for both producers and consumers.

Strengthening India's Geographical Indications (GI) Regime: Challenges and Opportunities

As awareness of sustainable agriculture, indigenous craftsmanship, and cultural branding grows, Geographical Indications (GIs) have emerged as a powerful tool for rural empowerment and economic development in India. Geographical Indication (GI) certification helps producers by giving them legal recognition and economic benefits. It

¹⁰² WTO Dispute Settlement Body, India v. Pakistan: Basmati Rice GI Protection, WTO Doc. No. WT/DS589/1 (2022).

¹⁰³ N. Kumar, Challenges in Enforcing Geographical Indications in India: A Policy Perspective, 15 INDIAN J. L. & TECH. 85, 90 (2023).

¹⁰⁴ Agreement on Trade-Related Aspects of Intellectual Property Rights, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1C, 1869 U.N.T.S. 299.

encourages rural entrepreneurship¹⁰⁵ and increases exports. GI-certified products often sell for higher prices in international markets, showcasing India's cultural heritage to the world. India aims to enhance its protection of Geographical Indications (GIs)¹⁰⁶ by focusing on international recognition through trade agreements, boosting digital sales, and strengthening domestic enforcement. India and the European Union are negotiating a Free Trade Agreement (FTA) to protect products like Basmati Rice, Darjeeling Tea, and Alphonso Mango in European markets. India has made agreements with the UK, UAE, and ASEAN countries to automatically recognize and protect its geographical indications (GIs) abroad¹⁰⁷. This helps prevent unauthorized use. However, enforcing these protections outside the European Union is difficult. India needs more diplomatic and legal actions to get wider international protection.

In addition to trade agreements, India is leveraging digital platforms and e-commerce to promote GI-certified products and facilitate direct-to-consumer sales. Initiatives such as the government-backed *One District, One Product* (ODOP) program, along with partnerships with platforms like *GeM (Government e-Marketplace)*, *Amazon Karigar*, and *Flipkart Samarth*, have significantly improved market access for artisans and farmers¹⁰⁸. India is working to help producers earn more money and gain more visibility in global markets by removing middlemen. To build consumer trust, the country is also looking into digital certification systems that ensure the traceability and authenticity of Geographical Indication (GI) products.

To fight counterfeiting and misuse, India is improving its laws. The Geographical Indications of Goods (Registration and Protection) Act from 1999 is under review, with plans to introduce stricter penalties for any violations. The government has created special enforcement teams in the Department for Promotion of Industry and Internal Trade (DPIIT) to monitor compliance and combat fake products¹⁰⁹. States like Karnataka, Kerala, and West Bengal have put policies in place to protect local producers and their jobs. It is important to strengthen India's geographical indication

¹⁰⁵ R. Prakash, The Role of GIs in Rural Economic Empowerment: A Case Study of India's Handicraft Sector, 15 J. RURAL DEV. STUD. 78, 82 (2023).

¹⁰⁶ M. Singh, India's Bilateral Agreements for GI Protection: A Way Forward, 8 WORLD TRADE L. REV. 112, 119 (2022).

¹⁰⁷ WTO, The Economic Impact of GIs in Emerging Markets: A Study of India and Southeast Asia, WTO Doc. No. IP/C/58 (2022).

¹⁰⁸ Handicrafts and Economic Growth: A Roadmap for Viksit Bharat 2047, Soc. Res. Found. (2024), <https://socialresearchfoundation.com/new/publish-journal.php?editID=10439> (last visited feb 2025)

¹⁰⁹ DPIIT, Strengthening GI Protection in India: Enforcement Mechanisms and Future Roadmap, Policy Paper No. 18 (2024).

(GI) system. This will help boost global trade and keep our cultural and agricultural heritage alive. By focusing on international agreements, enhancing digital commerce, and strictly enforcing laws, India can maximize the economic benefits of its GI-certified products.

GIs and the European Union: A Comparative Overview

The European Union (EU) has established a robust system for protecting Geographical Indications (GIs), ensuring that region-linked products retain their authenticity and economic value. The EU's approach relies on a dual classification system Protected Designation of Origin (PDO)¹¹⁰ and Protected Geographical Indication (PGI)¹¹¹ which differentiates between products based on their geographical and production criteria. The PDO label is the highest level of GI protection, requiring that all stages of production, processing and preparation take place within a specific region using traditional expertise and methods¹¹². This guarantees that every PDO-certified product is deeply tied to its geographical origin¹¹³. Some well-known PDO examples include Roquefort cheese from France, Parmigiano Reggiano from Italy, and Prosciutto di Parma.

In contrast, the PGI label offers greater flexibility, requiring that at least one stage in the production process whether growing, processing, or packaging occurs within the designated geographical area. Unlike PDO products, PGI-certified goods can source raw materials from outside the region as long as the essential characteristics of the product are linked to its place of origin¹¹⁴. Some famous PGI products include Cornish pasties from the UK and Bavarian beer from Germany. The EU's dedication to protecting Geographic Indications (GIs) plays a vital role in safeguarding traditional farming practices. By ensuring that producers receive fair prices for their unique products, it fosters a sense of trust among consumers in regional offerings. This commitment boosts rural economies by enabling certified products to command higher prices and protecting them from market manipulation, benefiting both farmers and consumers in a fairer marketplace.

¹¹⁰ Regulation (EU) No. 1151/2012 of the European Parliament and of the Council of 21 November 2012 on Quality Schemes for Agricultural Products and Foodstuffs, 2012 O.J. (L 343) 1, 4–5.

¹¹¹ Regulation (EU) No. 1151/2012 of the European Parliament and of the Council of 21 November 2012 on Quality Schemes for Agricultural Products and Foodstuffs, 2012 O.J. (L 343) 1, 6–7.

¹¹² id

¹¹³ id

¹¹⁴ Regulation (EU) No. 1151/2012 of the European Parliament and of the Council of 21 November 2012 on Quality Schemes for Agricultural Products and Foodstuffs, 2012 O.J. (L 343) 1, 6–7.

India's approach to GI protection is relatively new compared to the EU's, with the Geographical Indications of Goods (Registration and Protection) Act, 1999, coming into effect in 2003¹¹⁵. This law provides a legal framework for the registration and protection of traditional products such as Darjeeling Tea, Mysore Silk, and Banarasi Sarees. However, unlike the EU's structured PDO–PGI system, India does not classify GIs based on varying levels of protection. Instead, all registered products whether agricultural, manufactured, or handicrafts receive the same legal recognition. The Indian GI framework protects local artisans and farmers by allowing only authorized sellers to use a GI tag, but challenges remain in its effective implementation. One of the primary issues is the lack of awareness among producers, particularly in rural areas, where many artisans and farmers are unaware of the commercial advantages that GI certification can offer. As a result, many traditional goods remain underutilized in the market. Another significant challenge is weak enforcement mechanisms, which allow unauthorized use and counterfeiting of GI-tagged products to persist. Counterfeit versions of products such as Kashmiri Pashmina shawls and Malabar Pepper flood the market, misleading consumers and undercutting genuine producers¹¹⁶. India faces challenges in securing GI protection in foreign markets, especially outside the EU, where enforcement is inconsistent and often requires complex agreements. The Basmati Rice dispute with Pakistan at the EUIPO underscores the difficulties India encounters in obtaining exclusive GI rights globally¹¹⁷.

While both India and the EU recognize the cultural and economic significance of GIs, the EU's system is far more structured, widely recognized, and strictly enforced. The EU has strong bilateral agreements that ensure global recognition for its GI-certified products, a status India has not fully achieved. India can improve its geographical indications (GI) system by improving enforcement, increasing producer awareness, and securing better international agreements. By adopting some strategies from the EU, India can protect its unique products, support rural communities, and boost its global

¹¹⁵ Government of India. (1999). Geographical Indications of Goods (Registration and Protection) Act, 1999.

¹¹⁶ Nittu, Issues and Challenges to Geographical Indications in the Era of E-Commerce, 11 Int'l J. Innovative Res. Tech. 418 (2024),

¹¹⁷ Sidra Islam, Shazia Rehman & Mamoon Munir, The Basmati Rice War Between India and Pakistan, 1 Trends Intell. Prop. Res. 1 (2024),

competitiveness¹¹⁸. This approach not only helps preserve cultural heritage but also supports local economies and showcases India's diverse offerings on the world stage.

Geographical Indications in Kerala: Evolution, Impact, and Challenges

Kerala, often referred to as the “Spice Garden of India,” has played a significant role in India’s journey with Geographical Indications (GIs). With its diverse agro-climatic conditions and rich cultural heritage, the state is home to several GI-certified products, including Malabar Pepper, Wayanad Robusta Coffee, and Navara Rice¹¹⁹. The GI tags have improved Kerala's agricultural and handicraft products' global reputation, contributed to biodiversity conservation, promoted sustainable agricultural practices, and empowered rural economies. Kerala’s Geographical Indication (GI) certification opens new market opportunities for local farmers and artisans, necessitating compliance with international trade regulations and infrastructure investments. Despite challenges, Kerala's proactive approach in securing GI status for its traditional products serves as a benchmark for other Indian states. GI, a form of intellectual property protection, has roots dating back centuries.

Kerala’s spices, textiles, and handicrafts were historically recognized for their quality and regional identity, but formal GI recognition in India started with the Geographical Indications of Goods (Registration and Protection) Act, 1999, effective in 2003¹²⁰. Kerala’s first GI-tagged product was Aranmula kannadi, but the state soon saw multiple registrations of spices, rice varieties, coffee, handicrafts, and traditional foods. Among the most notable GI-certified products from Kerala are Malabar Pepper, one of the world’s most sought-after pepper varieties known for its rich aroma and pungency; Wayanad Robusta Coffee, recognized for its low acidity, high caffeine content, and unique flavor profile; Navara Rice, a medicinal rice variety used in Ayurvedic treatments and known for its high nutritional value; Vazhakulam Pineapple, famous for its sweetness and distinct aroma; and Palakkad Matta Rice, a red rice variety known for its unique texture and high fiber content¹²¹. Kerala's GI certification enhances regional

¹¹⁸ Geographical Indications and Their Role in Rural Development, 7 Int’l J. Sci. Res. Eng. Dev. 55 (2023),

¹¹⁹ Geographical Indication (GI) Tags of Kerala, The IP Press (June 24, 2020), <https://www.theippress.com/2020/06/24/geographical-indication-gi-tags-of-kerala/>.

¹²⁰ The Geographical Indications of Goods (Registration and Protection) Act, No. 48 of 1999, India Code (2003),

¹²¹ Geographical Indication (GI) Tags of Kerala, The IP Press (June 24, 2020), <https://www.theippress.com/2020/06/24/geographical-indication-gi-tags-of-kerala/>.

identity and economic value by linking local traditions to global markets. It boosts demand for authentic products, enabling premium pricing locally and internationally. Moreover, GI certification protects cultural heritage and traditional knowledge, supporting sustainable agriculture and biodiversity, while promoting organic farming methods that can withstand climate change. The expansion of GI-based industries has also contributed hand certification requirements pose financial burdens on local producers. Another major challenge is limited international recognition, as unlike the European Union's strong GI framework, India's GI-protected products do not receive automatic international protection unless negotiated under bilateral trade agreements. Furthermore, weak enforcement mechanisms hinder Kerala's ability to protect its GI-certified products, as regulatory authorities often lack the resources to monitor and prevent unauthorized use of GI labels. For example, low-quality imitations of Kerala's GI products, such as fake Kashmiri Pashmina shawls or adulterated Malabar Pepper, have flooded markets, misled consumers and harming genuine producers¹²².

To maximize the benefits of GI certification, Kerala must adopt a multi-pronged strategy. Strengthening awareness campaigns through workshops, training sessions, and outreach programs can educate farmers and artisans about the advantages of GI protection. Enhancing enforcement mechanisms by implementing stricter quality control and anti-counterfeiting measures is crucial in preventing market dilution. Developing international trade agreements can boost global recognition of Kerala's GI products and prevent unauthorized use. Financial support and capacity-building programs will aid small producers in meeting GI compliance standards. Leveraging digital marketing and e-commerce platforms, such as Amazon Karigar, Flipkart Samarth, and Government e-Marketplace (GeM), can significantly boost the visibility of Kerala's GI products¹²³, making them more accessible to global consumers.

The journey of Geographical Indications (GIs) in Kerala highlights the connection between local heritage and the global market. Originally symbols of community pride, GIs have evolved into intellectual property that safeguards regional treasures. They preserve traditions while providing global opportunities for local producers. To maximize GI certification, Kerala should align with global standards, enhance

¹²² Nittu, Issues and Challenges to Geographical Indications in the Era of E-Commerce, 11 Int'l J. Innovative Res. Tech. 418 (2024)

¹²³ Ministry of Commerce & Industry, ODOP & GI Promotion Through E-Commerce Platforms, <https://www.odop.in> (last visited JAN 22, 2025).

enforcement, and participate in international trade agreements. A sustainable model for GI protection can enhance Kerala's agricultural legacy and drive long-term economic success.

Conclusion

Geographical Indications (GIs) have come a long way from being informal signs of quality in ancient times to becoming powerful legal tools in today's global economy. As this chapter shows, people have always valued products tied to specific places, whether it was Egyptian linen, French wine, or Indian spices. Over the centuries, GIs have evolved to protect not just the uniqueness of these goods, but also the communities and traditions behind them. While countries like France led the way with early legal systems, India's growing GI movement shows how these protections can support local producers and preserve cultural heritage. Yet, challenges remain especially in enforcement and global recognition. For regions like Kerala, making the most of GIs means building awareness, strengthening laws, and reaching international markets. In an age where authenticity and sustainability matter more than ever, GIs offer a meaningful way to celebrate identity, protect tradition and build resilient local economies.

Chapter 4

Analysis of Legislative framework in European Union

The Legal Landscape of the European Union: A Framework Analysis

The European Union (EU) has put in place a strong and detailed set of laws to protect Geographical Indications (GIs) making it one of the most effective systems in the world. GIs are really important for the EU as they highlight the region's commitment to quality sustainability and preserving its rich cultural heritage. They're not just about protecting products; they represent the traditions and identities of the communities that produce them. This framework is primarily structured around Regulation (EU) No 1151/2012¹²⁴ on quality schemes for agricultural products and foodstuffs which sets the rules for registration, protection and promotion of products linked to a specific geographical origin. GIs are categorized into Protected Designation of Origin (PDO)¹²⁵ where products must be entirely produced, processed and prepared within a specific geographical area using recognized know how and Protected Geographical Indication (PGI)¹²⁶, where at least one stage of production, processing, or preparation must occur in the designated region. Regulation (EU) No 2019/787¹²⁷ is all about protecting spirit drinks while Regulation (EU) No 1308/2013¹²⁸ focuses on wines.

Together these regulations work to support European producers and ensure that their products remain true to their origins. When it comes to registering a Geographic Indication (GI) in the EU the process is detailed and transparent making sure everything is done fairly. This means that consumers can trust the authenticity of what they're enjoying. A group of producers must submit an application that includes the product name and category, a definition of the geographical area, evidence linking the product to that region, a detailed description of production methods, and labelling and packaging requirements. Once a national application is approved, it is forwarded to the European Commission for further scrutiny. If no objections are raised within the

¹²⁴ European Parliament. (2012). Regulation (EU) No 1151/2012. Annex I.

¹²⁵ Regulation (EU) No. 1151/2012 of the European Parliament and of the Council of 21 November 2012 on Quality Schemes for Agricultural Products and Foodstuffs, 2012 O.J. (L 343) 1, 4–5.

¹²⁶ Regulation (EU) No. 1151/2012 of the European Parliament and of the Council of 21 November 2012 on Quality Schemes for Agricultural Products and Foodstuffs, 2012 O.J. (L 343) 1, 6–7.

¹²⁷ Regulation (EU) 2019/787 of the European Parliament and of the Council of 17 April 2019 on the Definition, Description, Presentation, and Labelling of Spirit Drinks, 2019 O.J. (L 130) 1.

¹²⁸ Regulation (EU) No. 1308/2013 of the European Parliament and of the Council of 17 December 2013 Establishing a Common Organisation of the Markets in Agricultural Products, 2013 O.J. (L 347) 671.

prescribed time frame, the product is granted official Geographical Indication (GI) status and is subsequently entered into the EU's official register, eAmbrosia (formerly known as the DOOR database)¹²⁹. To protect these GIs in the EU various measures are in place including administrative legal and customs actions. These protections are in place to ensure that products aren't misused or mislabelled and they help prevent items from becoming generic over time. To maintain these standards national authorities the European Intellectual Property Office (EUIPO) and the European Commission work together, both at home and internationally to make sure these safeguards are upheld.

The EU's GI framework also plays a significant role in international trade and The European Union has successfully established bilateral agreements recognizing Geographical Indications (GIs) with countries like China, Canada and Japan¹³⁰. These agreements help both sides protect the unique qualities of their regional products. On top of that the EU is also involved in discussions at the World Trade Organization working under the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). Their goal is to push for stronger protections for GIs on a global scale, ensuring that traditional products get the recognition and safeguarding they deserve. Although some non-EU countries resist these efforts, they have contributed to greater global recognition of European GIs, boosting exports and supporting rural economies.

Historical Development of GI Legislation in the EU

The effort to safeguard Geographical Indications (GIs) in the European Union (EU) has begun from the mid-20th century. This initiative was driven by a strong commitment to maintaining the distinct agricultural traditions and culinary customs that characterize different regions¹³¹. This movement was about more than just regulations; it was about celebrating and safeguarding the rich heritage and identity of local communities. Over the years this movement has evolved into one of the most sophisticated systems for identifying and defending GIs globally ensuring that the unique qualities of local products are celebrated and preserved. The evolution of this system really highlights the EU's commitment to maintaining high standards supporting rural communities and

¹²⁹ Regulation (EU) No. 1151/2012 of the European Parliament and of the Council, 2012 O.J. (L 343) 1, 9–10; eAmbrosia – the EU Geographical Indications Register, Eur. Comm'n,

¹³⁰ EU and China Sign Landmark Agreement Protecting European Geographical Indications, Eur. External Action Serv. (Sept. 14, 2020), https://www.eeas.europa.eu/eeas/eu-and-china-sign-landmark-agreement-protecting-european-geographical-indications_en.

¹³¹ Geographical Indications in the European Union, Eur. Innovation Council & SMEs Exec. Agency (Mar. 17, 2025),

valuing cultural heritage¹³². Before the EU put together its formal guidelines, every country had its own set of rules to protect the special products unique to their regions. This approach really shows how much they value local identity and the unique characteristics that set each area apart. France introduced the Appellation d'Origine Contrôlée (AOC) system in 1935 to safeguard wine and cheese from fraudulent imitations, while similar national schemes existed in Italy and Spain. A unified approach across the EU really started taking shape in the late 20th century¹³³. In the 1960s and 1970s farming underwent a significant transformation largely due to the introduction of the Common Agricultural Policy¹³⁴ (CAP). This initiative aimed to create a dependable system that safeguarded our cherished traditional food products while also championing fairness and equality for all farmers. Its goal was to ensure that everyone in the farming community had the opportunity to thrive and continue contributing to our rich agricultural heritage. The CAP represented more than just a set of rules it was a heartfelt commitment to supporting the livelihoods of those who worked the land and nurturing our food culture in the face of changing times¹³⁵.

It aimed to support the people behind our food, making sure they could thrive while preserving the quality and heritage of what we eat. It was really about making sure everyone involved in agriculture could thrive while preserving the rich food heritage we hold. It's a time when people began to realize how important it is to support local agriculture while ensuring that everyone has a fair amount of success. The initiative mainly aimed to make sure that every farmer had an equal opportunity to thrive in the marketplace. The text emphasizes the significance of collaboration in enhancing relationships and empowering individuals to handle industry challenges. It also discusses an important advancement that supports farmers in thriving while preserving the quality and heritage of their crops.

¹³² Andrée-Anne Trivette et al., From Geographical Indications to Rural Development: A Review of the Literature, 10 Sustainability 3745 (2018)

¹³³ Geographical Indications and Traditional Specialities in the European Union, Wikipedia, https://en.wikipedia.org/wiki/Geographical_indications_and_traditional_specialities_in_the_European_Union (last visited Feb24, 2025).

¹³⁴ European Commission. (2021). The Role of CAP in the Protection of Geographical Indications.

¹³⁵ id

The breakthrough came with the 1992 CAP reform which introduced comprehensive GI legislation through Council Regulation (EEC) No. 2081/92¹³⁶ establishing the concepts of Protected Designation of Origin (PDO) and Protected Geographical Indication (PGI) and Council Regulation (EEC) No. 2082/92¹³⁷ which introduced certificates of specific character (CSC) to protect traditional food products with distinct characteristics. These regulations provided a structured legal framework to recognize and enforce GIs distinguishing authentic regional products from imitations while supporting rural economic development.

Building on this foundation, the EU expanded its GI framework in the 2000s with Regulation (EC) No. 510/2006¹³⁸, which replaced Regulation 2081/92 and reinforced controls against mislabelling, and Regulation (EC) No. 509/2006¹³⁹, which replaced Regulation 2082/92¹⁴⁰ and introduced the Traditional Speciality Guaranteed (TSG) scheme to protect traditional food products regardless of their geographical origin. It also reinforced enforcement mechanisms to prevent fraud and misuse of protected names while enhancing the role of producer groups in managing and promoting GIs.

As international trade became increasingly globalized, the EU sought to extend GI protections beyond its borders. Notable efforts include the EU-China GI Agreement in 2020¹⁴¹, which secured mutual recognition for 100 European and 100 Chinese GI products, as well as trade agreements with Canada (CETA), Japan (EPA), and South Korea (KOR-EU FTA), all of which include dedicated GI protection clauses. Additionally, the EU has been a strong advocate for extending GI protections under the WTO's Agreement¹⁴² on Trade-Related Aspects of Intellectual Property Rights (TRIPS). These efforts have reinforced the EU's leadership in promoting GI protections on the global stage.

¹³⁶ Council of the European Communities. (1992). Council Regulation (EEC) No 2081/92 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs. Official Journal of the European Communities, L 208/1.

¹³⁷ Council Regulation (EEC) No. 2082/92 of 14 July 1992 on Certificates of Specific Character for Agricultural Products and Foodstuffs, 1992 O.J. (L 208) 9.

¹³⁸ European Parliament. (2006). Regulation (EC) No 510/2006 on the protection of geographical indications and designations of origin.

¹³⁹ European Commission. (2006). Regulation (EC) No 509/2006 on Traditional Specialities Guaranteed (TSG).

¹⁴⁰ Council of the European Communities. (1992). Council Regulation (EEC) No 2082/92 on certificates of specific character. Official Journal of the European Communities, L 208/9.

¹⁴¹ European Commission. (2020). EU-China Agreement on Geographical Indications.

¹⁴² World Trade Organization (WTO). (2023). The TRIPS Agreement and Geographical Indications.

As we look to the future, it's clear that we'll face a number of challenges, including digital fraud, climate change, and growing competition from around the world. These issues will require us to adapt and improve the EU's geographical indication (GI) framework. Fortunately, the solid legal groundwork we've built over the last thirty years provides a strong foundation. This means that geographical indications will remain vital to shaping European agricultural practices and trade policies.

Key Components of the EU GI System

The European Union (EU) has established a comprehensive Geographical Indications (GI) system to protect and promote products with unique qualities linked to their place of origin. This system safeguards traditional methods, enhances consumer confidence, and supports regional economies through distinct categories: Protected Designation of Origin (PDO)¹⁴³, Protected Geographical Indication (PGI), and Traditional Specialities Guaranteed (TSG), all regulated under a robust framework overseen by the European Commission.

The Protected Designation of Origin (PDO) label is a mark of quality that guarantees a product is made entirely in a specific region using traditional methods¹⁴⁴. This label ensures that everything from the production to the processing and preparation takes place in that area highlighting the unique characteristics and heritage of the region's craftsmanship. To achieve Protected Designation of Origin (PDO) status, a product must meet a few important criteria. First all the raw materials used must come from a specific area. Additionally, the entire production process has to take place within that same region¹⁴⁵. Lastly the product's unique characteristics should be a result of the local climate soil and the traditional skills of the people in that area. Some well-known examples of PDO products are Parmigiano Reggiano¹⁴⁶ from Italy, Prosciutto di Parma¹⁴⁷ and Roquefort cheese¹⁴⁸ from France. These products not only reflect their origins but also the rich heritage and expertise of the local communities.

¹⁴³ Council of the European Communities. (1992). Council Regulation (EEC) No 2081/92. Official Journal of the European Union.

¹⁴⁴ Council Regulation (EEC) No. 2081/92 of 14 July 1992 on the Protection of Geographical Indications and Designations of Origin for Agricultural Products and Foodstuffs, 1992 O.J. (L 208) 1, 3–4.

¹⁴⁵ id

¹⁴⁶ Parmigiano Reggiano Consortium. (2023). History and PDO Status of Parmigiano Reggiano.

¹⁴⁷ Prosciutto di Parma Consortium. (2023). PDO Protection and Traditional Curing Methods

¹⁴⁸ INAO. (2023). Roquefort Cheese PDO Status.

The Protected Geographical Indication (PGI) category is less restrictive than PDO but still maintains a strong connection between the product and its place of origin. At least one stage of production processing, preparation, or manufacturing must occur in the designated region. The product must also possess a specific quality, reputation, or characteristic linked to its geographical area. PGI products are a wonderful reflection of the unique Flavors and traditions of their regions. Irish Whiskey turns to be more than just a drink it embodies the spirit of Ireland because it must be distilled and aged there which gives it that special character that whiskey lovers appreciate. Then there's Bavarian Beer¹⁴⁹ brewed according to traditional methods that have been cherished and handed down through generations. This dedication to authenticity means that every pint you enjoy carries with it a piece of history and a genuine taste of Bavaria¹⁵⁰. And the Cornish Pasty which must be made in Cornwall although the ingredients can come from elsewhere. Each of these products tells a story of its origins and the heritage behind them.

The Traditional Specialities Guaranteed (TSG)¹⁵¹ designation differs from PDO and PGI as it does not require a geographical link but instead protects traditional recipes and production methods. Products must be made using traditional ingredients or methods that have been in use for at least 30 years. This designation ensures historical integrity even if production occurs outside its original region. There are some amazing examples of traditional foods that really reflect their unique cultural heritage. Take Pizza Napoletana¹⁵² for instance. It's not just any pizza it has to be made in strict accordance with the authentic methods from Naples. Then there's Jamon Serrano¹⁵³ a Spanish dry-cured ham that has been crafted using age-old traditions for centuries. Each of these foods tells a story about its origins and the craftsmanship behind it.

The European Commission oversees the regulatory framework for the EU's geographical indications (GI) system making sure that everything meets legal standards and that the integrity of the products is maintained. When producers want to register their products, they need to submit an application to their national authorities. The next

¹⁴⁹ Bavarian Brewers' Federation. (2023). Bavarian Beer and PGI Recognition.

¹⁵⁰ id

¹⁵¹ European Commission. (2019). Regulation on Traditional Specialities Guaranteed (TSG).

¹⁵² Associazione Verace Pizza Napoletana. (2023). TSG Status for Pizza Napoletana.

¹⁵³ Spanish Ministry of Agriculture. (2023). Jamón Serrano and EU TSG Status.

step is a review process and once approved is published in the EU's DOOR database¹⁵⁴. This system helps protect the quality and reputation of products linked to specific regions. Enforcement measures include monitoring compliance preventing fraudulent use of GI labels and collaborating with national authorities and the European Intellectual Property Office (EUIPO)¹⁵⁵ to enforce GI protections at national and international levels. Additionally, the EU integrates GI protections into trade agreements such as CETA with Canada and the EU-China GI agreement. Consumer protection is ensured through mandatory labelling, requiring certified products to display official EU certification logos, prohibiting misuse of GI labels, and enforcing penalties for counterfeit products.

The EU's Geographical Indications (GI) system is an important program that helps protect the unique products tied to specific regions. It not only celebrates local traditions but also supports rural economies by promoting high-quality offerings for consumers. By classifying products into categories like PDO (Protected Designation of Origin) PGI (Protected Geographical Indication)¹⁵⁶ and TSG (Traditional Specialities Guaranteed) the system makes it clear what's behind each product and safeguards these regional gems. With more people seeking genuine and high-quality products¹⁵⁷, the EU's GI system stands out as a great example for similar initiatives around the world.

Certification and Registration Process for Geographical Indications in the EU

The process for certifying and registering Geographical Indications (GIs) in the European Union is a lengthy process and a time consuming one. It's designed to guarantee that products are authentic high quality and meet specific standards. It all starts at the national level where producers send their applications to the appropriate authorities in their country. This process is all about celebrating and protecting the unique qualities of our local products. Once an application gets the go-ahead it gets sent off to the European Commission where it undergoes a thorough review to make sure it meets all the required standards before earning the Protected Geographical Indication (GI) status.

¹⁵⁴ Regulation (EU) No. 1151/2012 of the European Parliament and of the Council, 2012 O.J. (L 343) 1, 9–10; eAmbrosia – the EU Geographical Indications Register, Eur. Comm'n,

¹⁵⁵ EUIPO. (2023). Protection and Enforcement of GIs in the EU.

¹⁵⁶ 1151/2012 of the European Parliament and of the Council of 21 November 2012 on Quality Schemes for Agricultural Products and Foodstuffs, arts. 5–7, 2012 O.J. (L 343) 1.

¹⁵⁷ European Court of Justice (ECJ). (2017). Case C-393/16: Champagne vs. Aldi Misuse of GI Labels.

The registration journey involves three main steps. First, we carefully examine the product specifications to ensure they meet our criteria. Second step is publishing all the details in the Official Journal making it public and accessible for everyone to see. The last step includes the registering of the product in the EU's eAmbrosia database¹⁵⁸. This approach adds transparency to the process and also involves various stakeholders helping the product gain international recognition and appreciation. It's a fantastic way to showcase the rich heritage of our local products.

To get started, we take a close look at the product specifications. It's really important for the product to meet specific criteria outlined in what we call a Product Specification Document. This document lays out key details, such as the unique name of the product and whether it qualifies for protections like Protected Designation of Origin (PDO)¹⁵⁹, Protected Geographical Indication (PGI)¹⁶⁰, or Traditional Specialities Guaranteed (TSG)¹⁶¹. It also covers important characteristics including its physical, chemical, microbiological, or sensory properties¹⁶². We need to clearly define the geographical area where the product is made and explain how the local environment and human practices influence its unique qualities¹⁶³. Plus, we'll talk about traditional production methods, where we source our raw materials, and what the rules are for packaging¹⁶⁴ and labelling to prevent any sort of fraud or misuse.

Once we get everything reviewed and approved at the national level, we submit the application to the European Commission's Directorate-General for Agriculture and Rural Development (DG AGRI) for a deeper review¹⁶⁵. If it gets the green light from there, the application is published in the Official Journal of the European Union (OJEU), opening it up for public feedback and objections¹⁶⁶. During this objection

¹⁵⁸ Regulation (EU) No. 1151/2012 of the European Parliament and of the Council, 2012 O.J. (L 343) 1, 9–10; eAmbrosia – the EU Geographical Indications Register, Eur. Comm'n,

¹⁵⁹ Regulation (EU) No. 1151/2012 of the European Parliament and of the Council of 21 November 2012 on Quality Schemes for Agricultural Products and Foodstuffs, 2012 O.J. (L 343) 1, 4–5.

¹⁶⁰ Regulation (EU) No. 1151/2012 of the European Parliament and of the Council of 21 November 2012 on Quality Schemes for Agricultural Products and Foodstuffs, 2012 O.J. (L 343) 1, 6–7.

¹⁶¹ Regulation (EU) No. 1151/2012 of the European Parliament and of the Council of 21 November 2012 on Quality Schemes for Agricultural Products and Foodstuffs, 2012 O.J. (L 343) 1, 7–8.

¹⁶² European Parliament. (2012). Regulation (EU) No 1151/2012 on quality schemes for agricultural products and foodstuffs.

¹⁶³ European Commission. (2021). PDO, PGI, and TSG Product Specifications Explained.

¹⁶⁴ European Food Safety Authority (EFSA). (2023). Guidelines for Labeling and Packaging of Geographical Indications

¹⁶⁵ Geographical Indications for Agricultural Products and Foodstuffs Explained, AGRINFO (Nov. 30, 2022; rev. Mar. 4, 2025),

¹⁶⁶ id

period, anyone be it an individual, company, or other countries can raise concerns for up to three months if they think the new geographical indication conflicts with trademarks or existing rights. To keep the process fair objections, need to be based on solid reasons such as the product not meeting the necessary criteria or the name being too generic. If any disputes¹⁶⁷ come up there's a mediation process to try and sort things out before moving on to final registration.

Once we successfully move past the objection period, the European Commission officially registers the product, giving it the necessary PDO, PGI, or TSG protections. It will then be listed in eAmbrosia, the EU's official online database for protected geographical indications. This is a handy resource that keeps track of all registered GI products, provides legal info on their status, and helps them gain international recognition in EU trade agreements¹⁶⁸. After registration, we keep a close eye on compliance to ensure that producers stick to the established guidelines. National authorities regularly check in while the European Commission works with organizations like the European Intellectual Property Office (EUIPO) and customs authorities to combat counterfeiting and unauthorized use¹⁶⁹. Furthermore, the EU has been proactive in negotiating agreements with countries outside Europe such as the EU-China¹⁷⁰ GI agreement to expand GI protections globally.

Overall, the EU's Geographical Indication (GI) certification process is a wonderful way to celebrate the unique qualities and deep-rooted traditions of local products. It involves detailed evaluations and encourages transparency which benefits everyone involved. Not only does it honour the hard work of the producers, but it also helps consumers make informed choices, steering clear of any misleading claims. It's a great system that supports both creators and buyers. It's all about honouring the stories and efforts behind the food and products we enjoy at the heart of enjoying a local dish is the joy of really tasting its authentic Flavors. It's not only about food but also about honouring the rich traditions that shape our regional specialties and crafts. By diving into these traditional foods and handmade goods we celebrate their genuine roots and give them the recognition they deserve in our fast-paced world. The European Commission and

¹⁶⁷ European Commission. (2020). EU Mediation Process for Geographical Indication Disputes.

¹⁶⁸ European Parliament. (2022). Legal Framework for Geographical Indications and the eAmbrosia Database.

¹⁶⁹ Commission Recommendation (EU) 2024/915 of 19 March 2024 on Measures to Combat Counterfeiting and Enhance the Enforcement of Intellectual Property Rights, 2024 O.J. (L 915) 1.

¹⁷⁰ European Commission. (2020). EU-China Agreement on Geographical Indications.

national authorities play a crucial role in maintaining high standards for our products and the eAmbrosia database really helps enhance the credibility¹⁷¹ of the EU's Geographical Indications (GI) system. This goes beyond just showcasing the importance of GIs in promoting rural development it also helps pave the way for smoother international trade.

Enforcement and Protection Mechanisms in the EU's GI Framework

The European Union has made a solid system which can protect its Geographical Indications which are specific labels that signal the uniqueness and quality of certain products from particular regions. This framework includes various enforcement measures aimed at stopping misuse and counterfeiting as well as unfair competition. These rules make sure that only those products that meet the criteria can carry the GI label. It allows stakeholders such as producers regulatory bodies and consumer groups to take legal action in national or European courts enabling judges to issue injunctions remove counterfeit goods and impose fines¹⁷². This process aligns with the broader intellectual property rights (IPR) framework of the EU ensuring that GIs receive protection similar to trademarks and patents.

Customs control is another important element which prevents the unauthorized entry of counterfeit or misleading GI-labelled products into the EU market. The EU Customs Action Plan against intellectual property rights infringements empowers customs officers to detain suspect goods at borders. The European Union Intellectual Property Office (EUIPO)¹⁷³ collaborates with customs agencies across member states to track and seize counterfeit goods before they enter the market. Under Regulation (EU) No 608/2013¹⁷⁴ customs officials have the authority to hold products that they suspect violate geographical indication (GI) protections. This means they can step in if they believe a product isn't what it claims to be based on its origin. Additionally, the Anti-Counterfeiting Trade Agreement (ACTA)¹⁷⁵ helps to strengthen international border measures against counterfeit goods, which benefits EU GIs around the world.

¹⁷¹ European Anti-Fraud Office (OLAF). (2023). Fraud Prevention Strategies for GIs in the EU

¹⁷² European Commission. (2021). Regulation (EU) No 1151/2012 on quality schemes for agricultural products and foodstuffs.

¹⁷³ European Union Intellectual Property Office (EUIPO). (2023). EU customs actions against IPR infringements.

¹⁷⁴ European Parliament. (2013). Regulation (EU) No 608/2013 concerning customs enforcement of intellectual property rights. Retrieved from

¹⁷⁵ European Commission. (2012). Anti-Counterfeiting Trade Agreement (ACTA).

Raising public awareness is crucial in supporting and defending these important protections for regions and their unique products. The European Union is committed to educating consumers about the importance of Geographical Indications (GIs) and how they help preserve quality tradition and regional identity. When you see products with official EU certification logos like Protected Designation of Origin (PDO) and Protected Geographical Indication (PGI) you can be confident that you're choosing authentic items.

These logos make it easier for consumers to recognize genuine products and avoid imitations ensuring that you get the true essence of what makes these goods special. The EU Farm¹⁷⁶ to Fork Strategy supports promotional campaigns to inform consumers about GIs, their significance, and how to recognize them on packaging and marketing materials. Additionally, the EU collaborates with retailers including supermarkets online platforms and food service providers to ensure that GI labelled products are correctly marketed and not misrepresented. The EU's framework for geographical indications combines legal enforcement, customs control, and consumer education to combat counterfeiting and misuse. This system safeguards the authenticity of regional products while promoting economic sustainability and trust among consumers. It's all about keeping the unique Flavors and traditions alive while ensuring that consumers can confidently support genuine products.

Role in International Trade and the TRIPS Agreement

The European Union (EU) has been at the forefront of advocating for robust Geographical Indications (GI) protections at both the multilateral and bilateral levels. As a member of the World Trade Organization (WTO) the EU has significantly influenced international GI regulations particularly through the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). The European Union strategically protects Geographical Indications (GIs) in trade agreements, ensuring that unique regional products like specific wines, cheeses, and foods receive recognition and protection in global markets.

The TRIPS Agreement, which was established in 1994 as part of the World Trade Organization (WTO) framework, lays down some of the fundamental rules regarding

¹⁷⁶ European Commission. (2020). Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system.

various intellectual property rights, including GIs¹⁷⁷. The EU has played a key role in pushing for stronger provisions within TRIPS to bolster the protection of these valuable designations. In doing so, they aim to preserve cultural heritage and support local economies, making sure that consumers can trust the authenticity of the products they buy.

Under Article 22¹⁷⁸ of TRIPS, there is a general level of protection for all products, aimed at preventing misleading use and unfair competition. This means it stops false claims that could confuse consumers about where a product comes from. However, this protection is somewhat minimal. The EU has pushed for more robust standards through Article 23¹⁷⁹ which specifically addresses wines and spirits. This article goes further by not just protecting against misleading information it outright prohibits any unauthorized use of GIs for these products regardless of whether or not consumers are confused about their origin¹⁸⁰. This means terms such as “Champagne” or “Scotch Whisky” cannot be used for products that do not originate from the designated regions, even with qualifiers like “style” or “type.” The EU continues to push for Article 23-style protection to be extended to all GI-protected products, a position that has met resistance from some WTO members¹⁸¹.

The EU has been proactive in securing stronger protections for Geographical Indications (GIs) by engaging in bilateral and regional trade agreements with important trading partners. These efforts often extend beyond the basic requirements set by the TRIPS agreement offering extra legal protections for European producers. This approach not only helps safeguard the quality and reputation of European products but also fosters stronger trade relationships with other countries. The Comprehensive Economic and Trade Agreement (CETA¹⁸²) with Canada signed in 2016 formally recognized over 140 European GIs ensuring legal protection against misuse. This agreement prevents Canadian producers from using names like Roquefort Prosciutto di Parma and Feta unless the products originate from those regions.

¹⁷⁷ Agreement on Trade-Related Aspects of Intellectual Property Rights, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1C, 1869 U.N.T.S. 299.

¹⁷⁸ WTO. (1994). TRIPS Agreement – Article 22 (Protection of Geographical Indications).

¹⁷⁹ WTO. (1994). TRIPS Agreement – Article 23 (Additional Protection for Wines and Spirits).

¹⁸⁰ European Commission. (2021). EU Geographical Indications: Protection and Promotion in Global Trade.

¹⁸¹ WTO. (2020). Negotiations on the Extension of Article 23 Protection.

¹⁸² Government of Canada. (2017). Comprehensive Economic and Trade Agreement (CETA) and GIs

CETA also introduced a "grandfathering" system, allowing existing Canadian producers who had been using certain GI names before CETA to continue, but barring new entrants from misusing them¹⁸³. The EU-Japan¹⁸⁴ Economic Partnership Agreement (EPA) which came into effect in 2019 secured mutual recognition for over 200 GIs. Japan committed to protecting iconic EU GIs such as Parmesan Bordeaux wines and Prosciutto di Parma while the EU agreed to recognize selected Japanese GIs like Yubari Melon and Kobe Beef. This was a landmark deal as it expanded GI protection beyond European markets into Asia strengthening the global reach of EU-origin products. Other notable GI agreements include the EU-China Agreement on GIs (2020), which protects 100 European GIs in China and 100 Chinese GIs in the EU, covering key products like Champagne, Irish Whiskey, and Pu'er Tea, and the pending EU-Mercosur Agreement, which is expected to grant legal protection to over 350 European GIs in Argentina, Brazil, Paraguay, and Uruguay¹⁸⁵.

The EU takes a strong approach to protecting geographical indications (GIs) which are labels that highlight the unique qualities of products tied to specific regions. This commitment is clear in its participation in both global discussions like those at the WTO-TRIPS and in individual trade deals¹⁸⁶. By securing agreements that recognize GIs the EU helps European producers get better legal protection when they sell their products abroad. This not only reduces the chances of counterfeit goods and misrepresentation but also opens up new markets and allows for premium pricing on genuine European items. Through ongoing advocacy and smart diplomacy, the EU positions itself as a leader in this area demonstrating its dedication to safeguarding cultural heritage while also supporting the economic stability of its producers.

Challenges in Implementing the EU's GI Framework

The European Union's Geographical Indications (GI) system turns to be important for protecting regional products also it helps to maintain the unique quality of these goods and celebrates cultural heritage also supports the rural economies. But there are some challenges associated with this system that need to be addressed. It faces ongoing and

¹⁸³ id

¹⁸⁴ European Commission. (2019). EU-Japan Economic Partnership Agreement – Key Outcomes for GIs.

¹⁸⁵ European Commission. (2023). EU-Mercosur Trade Agreement – Geographical Indications and Market Access.

¹⁸⁶ Agreement on Trade-Related Aspects of Intellectual Property Rights, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1C, 1869 U.N.T.S. 299.

new challenges that can make it difficult to implement effectively and sustain in the long run. One of the main issues lies in the varied approaches taken by EU member states¹⁸⁷. Although there is a shared legal foundation like Regulation (EU) No 1151/2012 countries interpret and enforce GI rules differently¹⁸⁸. Italy enjoys strong institutional support which helps its producers thrive in the market. However, some newer members don't have the same level of administrative infrastructure¹⁸⁹ making it harder for them to enforce regulations effectively.

This creates an uneven playing field in the single market resulting in unfair conditions for some producers. Moreover, the journey to gain and keep Geographical Indication (GI) status takes a lot of time and resources, adding to the challenges faced by these producers. Small-scale and artisanal producers often find the technical requirements, audits, and marketing demands overwhelming and costly, discouraging their participation ironically, these are the very groups the system aims to support. Enforcing geographical indications (GIs) around the world presents a significant challenge beyond Europe.

Although there have been some positive steps like the EU-China GI agreement many countries including the U.S, Canada and Australia still face issues with fragmented and contested enforcement. The absence of a cohesive global framework under the WTO's TRIPS Agreement¹⁹⁰ adds to the complexity of the situation making it harder to protect these valuable rights consistently across borders. Moreover, GIs often become points of contention in international trade negotiations. Nations with generic naming traditions like the U.S. frequently oppose strict GI protections arguing they restrict long-standing commercial practices. These geopolitical tensions can stall trade deals and water down protections especially in forums like the WTO¹⁹¹ making it harder for the EU to expand the global reach of its GI framework.

¹⁸⁷ Vandecandelaere, E., Arfini, F., Belletti, G., & Marescotti, A. (2009). Linking people, places and products: A guide for promoting quality linked to geographical origin and sustainable geographical indications. FAO

¹⁸⁸ Regulation (EU) No. 1151/2012 of the European Parliament and of the Council of 21 November 2012 on Quality Schemes for Agricultural Products and Foodstuffs, 2012 O.J. (L 343) 1.

¹⁸⁹ Rangnekar, D. (2004). The socio-economics of geographical indications: A review of empirical evidence from Europe. UNCTAD/ICTSD

¹⁹⁰ Addor, F., & Grazioli, A. (2002). Geographical Indications beyond Wines and Spirits: A Roadmap for a Better Protection for Geographical Indications in the WTO/TRIPS Agreement. *The Journal of World Intellectual Property*, 5(6), 865–897.

¹⁹¹ Gervais, D. (2005). *The TRIPS Agreement: Drafting History and Analysis* (2nd ed.). Sweet & Maxwell.

Lessons for Developing Countries

Developing countries can learn from the European Union's successful use of Geographical Indications (GIs) to enhance rural development preserve unique cultures and differentiate their products. Countries looking to the European Union can draw inspiration to boost economic growth and sustainability through their cultural heritage and local products¹⁹². A key factor in the EU's success is its comprehensive legal framework notably Regulation (EU) No 1151/2012¹⁹³ which has been essential to this progress. This regulation effectively defines geographical indications (GI) and protected designations of origin (PDO/PGI) lays out organized registration procedures and provides robust enforcement measures to protect these valuable identities. For emerging economies it's really important to create legal frameworks that clearly outline who qualify for certain benefits.

To really boost innovation and safeguard intellectual property countries need to take some important steps. First off creating public registries where creators can easily register their work is essential. The process should be simple and user friendly for everyone. We also need clear ways to handle any disputes that might come up. In addition to that it's crucial that all these efforts align with international standards like the TRIPS Agreement to ensure we're all on the same page. By taking these measures countries can create a supportive environment that encourages creativity and safeguards the rights of innovators.

Countries such as India and Thailand have effectively followed this model successfully protecting products like Darjeeling Tea and Thai Hom Mali Rice. Another key lesson is the EU's strategic use of international cooperation to extend GI protections beyond its borders leveraging bilateral agreements multilateral platforms like the WTO, and treaties such as the Lisbon Agreement¹⁹⁴. This approach allows developing countries to gain recognition for their cultural products globally and counteract misuse abroad, as demonstrated by Colombia's Cafe de Colombia¹⁹⁵. Lastly the EU's focus on capacity building through technical training funding support producer cooperatives, and

¹⁹² Das, K. (2010). Prospects and Challenges of Geographical Indications in India. *The Journal of World Intellectual Property*, 13(2), 148–201

¹⁹³ Regulation (EU) No. 1151/2012 of the European Parliament and of the Council of 21 November 2012 on Quality Schemes for Agricultural Products and Foodstuffs, 2012 O.J. (L 343) 1.

¹⁹⁴ WIPO. (2019). Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications.

¹⁹⁵ Belletti, G., Burgassi, T., Marescotti, A., & Scaramuzzi, S. (2007). The Roles of Geographical Indications in the International Market: The Case of Colombian Coffee.

branding efforts has been vital. In many developing countries prioritizing the education of local producers is crucial. By providing resources for certification and running effective marketing campaigns, we can help them succeed. When we take these steps, geographical indications (GIs) can genuinely create a positive impact transforming them from mere fancy labels into meaningful symbols of quality and cultural heritage.

This highlights that empowering communities and supporting their unique products through active engagement and organizational backing can significantly amplify the positive impact of Geographical Indications (GIs) leading to sustainable and meaningful change. By recognizing and promoting local talent and craftsmanship while fostering inclusive relationships we can cultivate pride sustainability and empowerment in communities ultimately enhancing their way of life.

Kerala's GI Products in the EU Market

Kerala, renowned for its agricultural diversity and deep-rooted cultural traditions, boasts a range of unique Geographical Indication (GI) products such as Wayanadan Jeerakasala rice, Alleppey Green Cardamom, Malabar Pepper, Central Travancore Jaggery and Vazhakulam Pineapple. The products are culturally and ecologically significant to the region and have strong export potential in high value markets like the EU, where there is demand for origin specific, premium quality items. However, entering the EU¹⁹⁶ market requires navigating complex regulatory and institutional challenges.

A significant challenge lies in meeting the EU's stringent regulatory requirements particularly those set under Regulation (EU) No 1151/2012¹⁹⁷. This framework mandates comprehensive documentation to demonstrate the product's geographical origin unique characteristics and their link to the local environment. While Kerala's GIs are registered in India, they must undergo an additional process for EU-level recognition referred to as Third Country GI Registration. For instance, Malabar Pepper¹⁹⁸ achieved EU GI status in 2022 after an extensive application process that included historical documentation, product specification details, and traceability measures. The text emphasizes the importance of strong legal and technical support for

¹⁹⁶ European Commission. (2012). Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs.

¹⁹⁷ Regulation (EU) No. 1151/2012 of the European Parliament and of the Council of 21 November 2012 on Quality Schemes for Agricultural Products and Foodstuffs, 2012 O.J. (L 343) 1.

¹⁹⁸ EUIPO. (2022). Malabar Pepper GI Protection Decision. European Union Intellectual Property Office.

producer groups seeking to enter EU markets. It also highlights the necessity of traceability and certification as European buyers require high standards of transparency and food safety including compliance with Good Agricultural Practices (GAP) HACCP standards and EU food regulations. Ensuring traceability from farm to export is essential for gaining consumer trust. However, Kerala's GI supply chains¹⁹⁹ often suffer from fragmentation limited awareness of global certification protocols and inadequate post-harvest and storage facilities. Investing in advanced technologies such as blockchain²⁰⁰ based tracking or QR code labelling similar to initiatives seen with Coorg oranges and Araku coffee could significantly strengthen Kerala's position in the EU market.

In addition to legal and technical compliance success in the EU also hinges on effective branding and market positioning. European consumers equate GI labelled goods with artisanal excellence environmental sustainability and cultural authenticity. Therefore, it's imperative for Kerala's GI producers to go beyond legal registration and develop compelling brand stories attractive packaging and strategic digital marketing campaigns. The success of brands like Cafe de Colombia and Parmigiano Reggiano shows us just how important it is to have strong branding and certification. These elements really help build trust and loyalty among customers²⁰¹. If Kerala's geographical indications don't adopt similar strategies, they might just end up in the background stuck in the niche ethnic sections of stores missing out on the premium status they deserve.

Kerala needs to prioritize collaborative institutional support to overcome capacity gaps. This includes coordinated efforts among Farmer Producer Organizations (FPOs), the State Agricultural Department, the Spices Board of India and export promotion bodies like APEDA. Such partnerships can facilitate training on EU regulations, support branding and incubation of GI products, and enable participation in major European trade fairs like BIOFACH. Moreover, leveraging platforms for EU-India GI cooperation especially those under negotiation in free trade agreements (FTAs) could

¹⁹⁹ Das, K. (2010). Prospects and Challenges of Geographical Indications in India. *The Journal of World Intellectual Property*, 13(2), 148–201

²⁰⁰ WIPO. (2021). Blockchain and the Future of Geographical Indications. World Intellectual Property Organization.

²⁰¹ Giovannucci, D., Barham, E., & Pirog, R. (2010). Defining and Marketing "Local" Foods: Geographical Indications for U.S. Products. *The Journal of World Intellectual Property*, 13(2), 94–120.

help streamline the registration process and promote mutual recognition of GI protections.

CONCLUSION

The European Union's approach to Geographical Indications (GIs) is a strong and balanced model that not only protects cultural traditions but also supports rural economies and helps ensure consumers get authentic high-quality products. Anchored by Regulation (EU) No 1151/2012, the EU system defines strict criteria for GI recognition emphasizing traceability authenticity and the linkage between product quality and geographical origin. It empowers producer groups, ensures market differentiation through certification labels (PDO, PGI), and facilitates international recognition through treaties and bilateral agreements. This diverse approach has not only reinforced the identity of local products but also brought economic benefits to rural communities throughout Europe. The European Union's success stems from its skill in combining legal protections with branding systems and institutional support. This combination has turned Geographical Indications (GIs) into a strong asset for promoting both sustainable economic growth and cultural resilience.

This chapter draws on these principles to build a contextual foundation for understanding how Kerala's GI-certified products such as Malabar Pepper, Wayanadan Rice, and Alleppey Green Cardamom can adopt similar strategies to expand their global footprint. By examining the challenges the EU has faced, including divergent national interpretations, compliance costs, and external enforcement, we gain nuanced insights into what developing regions must anticipate when seeking entry into regulated and premium international markets. These reflections are particularly relevant for Kerala, where small-scale producers require support in areas like certification, marketing and supply chain coordination. This chapter sets the stage for the next one which explains India's geographical indication (GI) framework. It focuses on how it's structured how it has evolved over time and the challenges it faces.

By comparing India's approach with that of the EU we can highlight differences and identify areas where improvements can be made paving the way for better alignment and cooperation.

Chapter 5

Analysis of Legislative Framework in India

Introduction to India's Geographical Indication Framework

India gives utmost importance and protects Geographical Indications (GIs) as important intellectual property that links products to their specific regions. This approach honors traditional knowledge and cultural heritage preserving the identity of products while supporting local communities and their traditions.

The Geographical Indications of Goods (Registration and Protection) Act 1999 (GI Act) was a key milestone in bringing India's laws in line with the global TRIPS agreement²⁰². This Act effective from 15 September 2003 laid the groundwork for GI protection through the Geographical Indications Registry in Chennai overseen by the Controller General of Patents Designs and Trade Marks.

The GI Act safeguards the livelihoods of producers of region-specific goods like handloom, handicrafts food, and agriculture. Products such as Darjeeling tea, Kanjeevaram silk and Basmati rice have received Geographical Indication (GI) tags which enhance their market value and protect their unique identities²⁰³. In India the GI system involves legal frameworks, administrative support and community engagement allowing producer groups to apply for GI registration. This empowers local communities and helps preserve their heritage.

The system certainly has its challenges²⁰⁴, many producers are still unaware of the benefits that Geographic Indicators (GIs) can offer them. In addition to that enforcement of these benefits is often lacking and accessing the market can be quite difficult. It's important to make sure that everyone, especially those who are marginalized reaps the rewards fairly. The risk of powerful elites taking control is a persistent concern that we need to address.

²⁰² *Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), 1994, Part II, Section 3.*

²⁰³ *Section 11, The Geographical Indications of Goods (Registration and Protection) Act, 1999.*

²⁰⁴ *K. Singh, Geographical Indications in India: Issues and Challenges, 21 J. Intell. Prop. Rts. 124 (2016).*

Historical Context

India's connection with Geographical Indications (GIs) runs deep, rooted in its history and culture long before any legal structure existed. Products like Darjeeling Tea, Mysore Silk, Kanchipuram Sarees and Malabar Pepper have symbolized regional pride and craftsmanship for generations. Their uniqueness stems from local geography, climate and traditional skills setting them apart from factory made goods.

Before a formal legal system was in place these products were often misused or copied. Without protection genuine producers struggled to defend their names losing both recognition and income while fake versions tarnished the image of authentic items²⁰⁵.

A turning point came in 1995 when India signed the TRIPS agreement under the World Trade Organization. This required legal safeguards for GIs as a form of intellectual property. Following broad discussions among experts, industries, and policymakers, India passed the Geographical Indications of Goods (Registration and Protection) Act in 1999²⁰⁶.

Enforced from September 15, 2003, this law led to the creation of a dedicated GI registry in Chennai. It gave producers the legal right to register region-based products, protect their names, and take action against misuse²⁰⁷. More than just a legal tool, India's GI framework supports rural economies, protects age-old traditions, and sustains cultural heritage. Today, hundreds of unique products from textiles and food to crafts and agriculture carry the GI tag, celebrating India's incredible diversity.

Structure of the Indian GI System

India's legal framework for Geographical Indications (GIs) is governed by the Geographical Indications of Goods (Registration and Protection) Act, 1999, which came into effect in 2003. The structure of this system ensures proper identification, registration, and protection of goods that derive their unique qualities or reputation from a specific geographic origin. Central to the system is the Geographical Indications Registry located in Chennai, Tamil Nadu²⁰⁸. Operating under the Department for

²⁰⁵ Das, K. (2007). Protection of Geographical Indications: An Overview of Select Issues with Particular Reference to India. Centre for WTO Studies

²⁰⁶ The Geographical Indications of Goods (Registration and Protection) Act, No. 48 of 1999, India Code (2003),

²⁰⁷ Gangjee, D. (2012). Relocating the Law of Geographical Indications. Cambridge University Press.

²⁰⁸ The Geographical Indications of Goods (Registration and Protection) Act, No. 48 of 1999, India Code (2003),

Promotion of Industry and Internal Trade (DPIIT), Ministry of Commerce and Industry, this registry manages the entire GI registration process and publishes the GI Journal, listing all approved and pending applications.

GIs in India are broadly classified into four categories: agricultural goods like Basmati rice and Alphonso mangoes, handicrafts such as Channapatna toys and Pochampally Ikat, manufactured items like Salem stainless steel, and natural goods including Makrana marble. The application process involves submission by producers, cooperatives, or authorized organizations, often supported by state governments or NGOs²⁰⁹. Applications must clearly define the product, its region of origin, distinctive features, historical relevance, and include a mapped boundary of its geographical source.

Once an application passes initial review, it is published for public notice in the GI Journal. During this public consultation phase²¹⁰, anyone may oppose the registration within three months (extendable by one month). This ensures transparency and guards against unjustified GI claims. Once approved, GI protection lasts for ten years and can be renewed indefinitely in ten-year intervals²¹¹, provided the product remains active and authentic. The Act also empowers registered users to initiate legal actions against infringement or misuse of their GI label, ensuring that the rightful producers benefit from their traditional knowledge and geographical legacy.

Notable GI-Certified Products in India

India is a tapestry woven with rich cultural and environmental diversity, and this is beautifully reflected in its array of GI-certified products. With more than 300 items recognized under the Geographical Indications (GI) system the country showcases a commitment to preserving traditional knowledge and skills²¹². This not only empowers rural communities but also highlights India's heritage on the global stage allowing people around the world to appreciate its unique crafts and flavors.

One of the most well-known GI products is Darjeeling Tea, which made history as the first Indian product to receive GI status in 2004. Grown in the cool hills of West

²⁰⁹ Sheheen Marakkar, Maglin M. Raja & Abjith B. J., Registering a Geographical Indication in India: Procedures and Requirements, Indian J. of Integrated Research in Law, Vol. III, Issue IV (2023),

²¹⁰ Section 14, The Geographical Indications of Goods Act, 1999

²¹¹ Section 18, The Geographical Indications of Goods Act, 1999.

²¹² Sheheen Marakkar, Maglin M. Raja & Abjith B. J., Registering a Geographical Indication in India: Procedures and Requirements, Indian J. of Integrated Research in Law, Vol. III, Issue IV (2023),

Bengal, this tea is famous for its distinctive muscatel flavor and aroma, thanks to its high-altitude terroir. The GI tag has helped protect Darjeeling Tea from imitation, especially in international markets²¹³.

Mysore Silk from Karnataka is another iconic GI-tagged product. Renowned for its luxurious texture, bright hues, and gold zari borders, it remains a staple for festive and bridal wear²¹⁴. The GI certification has safeguarded the authenticity of its production methods against mass-market synthetic substitutes.

The Alphonso Mango, or Hapus, is treasured both in India and abroad for its intense sweetness and fibreless pulp²¹⁵. Primarily grown in Maharashtra's coastal regions its GI tag has boosted its global appeal and strengthened its presence in premium export markets.

Another standout is Malabar Pepper from Kerala's Western Ghats; with deep historical trade roots this spice is valued for its strong flavor and high essential oil content²¹⁶. GI certification has reinforced its reputation while also improving incomes for local farmers through better branding and recognition.

Other notable GI products include the regal Kanjeevaram Silk Sarees from Tamil Nadu²¹⁷, crafted with heavy silk and real gold threads, and Pochampally Ikat from Telangana²¹⁸, known for its intricate double ikat patterns. Basmati Rice, though involved in international GI debates, continues to symbolize North Indian culinary excellence²¹⁹. From the fiery chillies of Nagaland to the aromatic large cardamom of Sikkim the Geographical Indication (GI) framework is shining a light on the rich flavors of India's northeastern regions²²⁰. These distinctive products are more than just ingredients they're a celebration of our country's incredible cultural diversity. They

²¹³ Darjeeling Tea: Indian Geographical Indication, Indian Inst. of Patent & Trademark Att'ys (IIPTA), <https://www.iipta.com/darjeeling-tea-indian-geographical-indication/> (last visited feb 24, 2025).

²¹⁴ Protecting Regional Specialties: The Case of Mysore Silk Under Geographical Indications, Legal Serv. India (Mar. 2024), <https://www.legalserviceindia.com/legal/legal/article-16802-protecting-regional-specialties-the-case-of-mysore-silk-under-geographical-indications.html>.

²¹⁵ Aashima Sharma, Alphonso Mango: India's Tropical Treasure, IndusFood (Mar. 21, 2025), <https://indusfood.co.in/article/alphonso-mango/>.

²¹⁶ Malabar Black Peppercorns (Whole) Online, GiTAGGED, <https://www.gitagged.com/product/malabar-black-pepper-whole-100gms/> (last visited March 25, 2025).

²¹⁷ <https://anyaonline.in/blogs/wear-an-art-tell-a-story/how-to-identify-a-pure-kanchipuram-silk-saree>.

²¹⁸ <https://rooftopapp.com/blogs/textiles-from-south-india-pochampally-ikat-from-te>

²¹⁹ Origin and History of Basmati Rice, IREF.NET (May 25, 2025), <https://iref.net/origin-and-history-of-basmati-rice/>.

²²⁰ https://www.thehindu.com/migration_catalog/article16224490.ece.

play a vital role in preserving traditional heritage promoting fair trade practices and supporting rural artisans and farmers.

Kerala Agricultural products with GI tags

A Geographical Indication (GI) is a name or sign given by the government to products which corresponds to a specific geographical location or origin. It helps in identifying the product's source, as part of certification that the product possesses certain qualities, is made according to traditional methods or to its geographical origin. Geographical Indication (GI) can be used for any type of product manufactured, agricultural, food, or even handicrafts. Kerala is regarded as a treasure trove of unique geographical indication. Overall, India has 417 registered geographical indications, with Kerala owning 31 of them. Geographical Indication tags are commonly found on agricultural items in Kerala.

Navara Rice

Navara²²¹ is an indigenous paddy variety known to have originated in Kerala. The paddy also achieved "Geographical Indication" status in 2007. It existed in two forms: black and golden. This rice species is even mentioned in texts like Shushruta Samhita and Ashtangahridayam dating from 400-200 BC. It is also used in Ayurveda treatments from the ancient age.

Navara rice crop that is ripe for harvesting in sixty days. It is known as the "rice of well-being" due to its health benefits and is revered for its medicinal as well as food value. It has one of the highest percentages of fiber among rice varieties and is said to be ideal for diabetic patients and lactating mothers. Navara Kizhi and the Navara Theppu treatments in Ayurveda make use of these nutritious Navara cereals. Powdered navara is often mixed with milk and consumed as porridge. This rice variety is also known for its religious significance, as it is sometimes used in temples for different religious ceremonies. During the winter season, recipes prepared with Navara rice are known to have a positive effect on building immunity. It has the ability to cure diseases related to blood circulation, respiration, and digestion. It is also a remedy for rheumatism. Navara is very important for the protection of childbirth and the maintenance of health in the womb. It is traditionally consumed as a replenishing drink,

²²¹ <https://www.gikerala.in/products/navara-rice>

called karkidakakanji, and is effective in curing fatigue.

Since the 1990s, farmers have withdrawn from this crop due to non-availability of good seed and reduced demand in the market. Then, after the Navarra Rice Farmers Society was started, farming became popular again. Palakkadan Navara fetches Rs 200 per kg today. Organically produced rice fetches up to Rs 520 per kg.

Pokkali Rice

Pokkali²²² is a traditional, saline-tolerant rice variety organically cultivated in Kerala's coastal districts of Alappuzha, Thrissur, and Ernakulam. Grown across 5,000 hectares, it follows a unique dual-farming system: rice is cultivated during the monsoon months (June to November) when water salinity is low, and prawn farming takes over from November to April when salinity peaks. The system relies on natural tidal flows and uses sluice gates to regulate water, promoting a sustainable cycle where prawns feed on leftover rice stubble. With roots possibly linked to the migrating Kudumbi community from Goa, Pokkali is one of the oldest organic farming systems in the world. Its ability to thrive in water-logged, saline conditions makes it a climate-resilient model, contributing to carbon sequestration and reduced methane emissions. The name "Pokkali," meaning "the one who grows above all" in Malayalam, reflects both its towering height and its resilience in the face of changing environmental conditions.

Kuttiattoor Mango

The Kuttiattoor mango²²³ is a unique variety of Kerala that holds the title of "king" among the mangoes. Kuttiattoor mango, the fruit of the highlands is a combination of beauty, medicinal value, nutritional value, taste, sweetness, and fragrance. This type of mango is mostly found in Kuttyiattoor, a mango village in Kannur and is produced in the months of March, April, and May. It develops an attractive colour (orange-yellow) and aroma when ripe.

Another feature of this type of mango is that there are no spots or other damage on the skin of the ripe fruit and this makes the fruit more attractive. Early flowering is another advantage of this variety. This variety starts flowering in the second week of November in Kuttiattoor and nearby areas. Early flowering is another advantage of this variety. The peak flowering is in the last two weeks of December.

²²² <https://www.gikerala.in/products/pokkali-rice>

²²³ <https://www.gikerala.in/products/kuttiattoor-mango>

Flowering lasts from the last week of March to the second week of April and until the middle of May, when the fruits ripen. The mango harvest ends before the onset of the southwest monsoon. Being able to harvest earlier increases the market value of this mango.

Kodungallur Pottuvellari

Kodungallur Pottuvellari²²⁴, also known as Kodungallur snap melon (*Cucumis melo* var. *momordica*), is a unique, traditional fruit cultivated in Kodungallur and nearby areas of Thrissur and Ernakulam districts in Kerala. Locally called *Kakkari* or *Palayilpilla*, it is primarily grown for its juicy, refreshing fruit used to make a natural summer drink known for its cooling effects and rich nutritional value. The fruit naturally cracks open upon ripening, hence the name *Pottuvellari* (with "Pottu" meaning crack in Malayalam). The juice is only extracted from these naturally split fruits, which release a pleasant aroma. The plant is a short-duration (75–80 days), creeping vine with monoecious flowering habits, producing both male and female flowers as it matures. Fruits are cylindrical, light yellow to creamy white, and can weigh between 1.5–3 kg, sometimes even up to 5 kg. Unlike other snap melon varieties from outside Kerala, Kodungallur Pottuvellari has spongy, creamy-white flesh. Due to its high moisture and pulp content, it has poor keeping quality, making it a local delicacy with seasonal and immediate consumption value. The fruit is grown in coastal alluvial soils and holds cultural and nutritional significance in Kerala's food heritage.

Central Travancore Jaggery

Central Travancore Jaggery²²⁵ is a premium variety of jaggery made from sugarcane grown along the fertile riverbanks of Manimala, Pampa, Achenkovil, and Meenachil in Kerala's Kottayam, Pathanamthitta, and parts of Alappuzha districts. The region's nutrient-rich soil, replenished by seasonal floods, contributes to the jaggery's exceptional quality, marked by its superior sweetness, golden brown color, and absence of salty taste found in jaggery from alkaline soils. It is traditionally made by crushing sugarcane, boiling the juice in open pans over kilns fueled by cane trash, and shaping it into solid balls (Unda) or semi-solid forms (Pathiyan). Only small amounts of quick

²²⁴ <https://www.gikerala.in/products/kodungallur-pottuvellari>

²²⁵ <https://www.gikerala.in/products/central-travancore-jaggery>

lime (calcium oxide) are used, enhancing its calcium content, making it a nutritional supplement rich in calcium, iron, and phosphorus. The primary sugarcane variety used is Madhuri, valued for its yield and ratooning efficiency, while the flood-tolerant Java variety is also grown in some areas. With its unique flavor, texture, and organic production process, Central Travancore Jaggery holds strong potential in both local and global markets.

Kaipad rice

Kaipad rice²²⁶ is a traditional organic rice variety cultivated in the saline-prone coastal wetlands of northern Kerala particularly in Kannur, Kozhikode, and Kasaragod districts. The name "Kaipad" derives from *Kayalpadam*, referring to backwater paddy fields. Spanning over 4,000 hectares, Kaipad fields are managed by small and marginal farmers using completely natural, monsoon- and tide-dependent farming systems. A single rice crop is grown from June to October when salinity is low, followed by traditional aquaculture fish and shrimp farming from November to April during high salinity periods. The region's organic farming methods eschew all chemical inputs, resulting in rice known for its distinctive taste, high nutritional value, and premium market price. Historically documented by Dr. Francis Buchanan of the East India Company, the Kaipad system reflects a deep cultural and ecological heritage. The rice also plays a role in local customs, with rice flakes given as gifts by Kaipad farmers. Recognizing its uniqueness, Kaipad rice received GI (Geographical Indication) status on March 3, 2014.

Wayanad Robusta coffee

Wayanad Robusta coffee²²⁷ is a distinct variety introduced in Kerala's Wayanad district during the late 19th century. Although Arabica coffee is more valuable in terms of beverage quality, Robusta gained preference in Wayanad due to its resistance to pests and diseases. Today, Robusta makes up over 95% of Wayanad's coffee production, making the district the only region in India exclusively producing Robusta. Cultivated using natural and mixed farming methods, Robusta plants are grown under the shade of pepper, banana, and arecanut, which help protect them from pests and promote soil health. The harvest season spans December to February, with yields ranging from 1,400

²²⁶ <https://www.gikerala.in/products/kaipad-rice>

²²⁷ <https://www.gikerala.in/products/wayanaad-robusta-coffee>

kg/ha (rainfed) to 2,500 kg/ha (irrigated). Known for its full-bodied texture, intense aroma, mild chocolatey notes, and neutral cup profile, Wayanad Robusta is widely used in espresso blends, where it enhances creaminess and depth without overpowering the flavor. As the second largest coffee-producing region in India after Karnataka, Wayanad's unique altitude, shade conditions, and sustainable practices give its Robusta coffee a prestigious place in the global market.

Alleppey Green Cardamom

Alleppey Green Cardamom²²⁸ is a globally recognized spice that owes its name and branding to the historic processing and export practices rooted in Alappuzha, Kerala's agricultural heartland and home to the famed Kuttanad, the "Rice Bowl of Kerala." Though the cardamom is grown primarily in the hilly terrains of Idukki, it was traditionally transported to Alappuzha the main port of Travancore in the 19th century for sorting, processing, and export. Cardamom cultivation in Kerala gained momentum in the 1800s, particularly through Tamil settlers in Idukki, and became a focus of the Travancore rulers, especially under Marthanda Varma, who centralized spice trade through a treaty with the British. As demand surged, farmers shifted from indigenous to high-yielding hybrid varieties, leading to a significant boost in production. Today, over 1000 metric tons of cardamom are exported annually from Idukki. Renowned for its aroma and flavor, cardamom is widely used in beverages, desserts, and medicinal preparations, and continues to support livelihoods across generations. Its unique legacy and superior quality have earned Alleppey Green Cardamom a GI (Geographical Indication) tag, preserving its historic and economic significance.

Attappady Aattukombu Avara

Attappady Aattukombu Avara²²⁹, a unique local variety of Dolichos bean (also known as lablab bean), is an indigenous crop cultivated by tribal communities in the Attappady region of Palakkad district, Kerala. Known as *Amara* in Malayalam and *Avara* in the tribal dialect, this bean gets its name from its distinctive goat horn-like shape (*Aattukombu* meaning "goat's horn" in Malayalam), symbolizing its deep ethnic and regional roots. Grown mainly in the Western Ghats within the Nilgiri Biosphere Reserve, the crop is predominantly cultivated by tribal farmers across the Agali, Pudur,

²²⁸ <https://www.gikerala.in/products/alleppey-green-cardamom>

²²⁹ <https://www.gikerala.in/products/attappady-aattukomb-amara>

and Sholayur panchayats, especially in villages like Moolakombu, Swarnagadha, and Pudur. With around 30 hectares under cultivation, the bean holds cultural, agricultural, and ecological importance and is part of the region's rich biodiversity, which includes several endemic plant and animal species.

Marayoor Jaggery

Marayoor Jaggery²³⁰ is a traditional, handmade sweetener produced in the Marayoor village of Idukki district, Kerala, located near Munnar and surrounded by rich forest regions like the Marayoor Sandalwood Forest and Chinnar Wildlife Sanctuary. Made primarily from locally grown sugarcane, this jaggery is renowned for being one of the sweetest in India, with a rich dark brown color, high iron content, low sodium, and minimal impurities. Its 400-year-old traditional processing method ensures that the natural flavor of sugarcane is preserved without any salty or cyst-like taste. Cultivated in the misty, rain-washed highlands, Marayoor sugarcane yields a superior product. The jaggery is produced by skilled workers, particularly from Onakkallur village in Tamil Nadu, using age-old techniques passed down through generations. Recognizing its unique quality and cultural significance, Marayoor Jaggery received the Geographical Indication (GI) tag on March 8, 2019, making it the ninth product from Kerala to achieve this status.

Vazhakulam Pineapple

Vazhakulam Pineapple²³¹, locally known as *Kannarachakka*, is a premium variety of pineapple cultivated for over 50 years in Vazhakulam village, Kerala—now known as the "Pineapple City". Initially introduced by the Kochukudi, Kakuzhi, and Perikotil families, its cultivation spread across Thodupuzha taluk and later to Pathanamthitta and Kozhikode districts. Vazhakulam now accounts for nearly 80% of Kerala's pineapple production, making it the state's largest pineapple trading hub. The pineapple, belonging to the *Ananas comosus* species (Mauritius variety), is grown year-round except during heavy monsoon, and is prized for its unique aroma, flavor, high sugar content, and low acidity. The fruit is slightly conical, has deeply set eyes, crisp golden yellow flesh, and a sweet juice with 14–16° Brix and 0.50–0.70% acidity. Each plant grows up to 85–90 cm, yielding fruit in 12–13 months with an average weight of 1.2–

²³⁰ <https://www.gikerala.in/products/marayoor-jaggery>

²³¹ <https://www.gikerala.in/products/vazhakulam-pineapple>

1.4 kg. Rich in carotene, vitamins, minerals, and energy, the Vazhakulam pineapple was awarded Geographical Indication (GI) status in 2009, recognizing its distinctive quality and regional identity in the Agricultural-Horticultural category.

Palakkadan Matta Rice

Palakkadan Matta Rice²³², also known for its rich brown color and bold red pericarp, is a traditional rice variety grown in the Palakkad district of Kerala, particularly in paddy fields known as *Poonthalpadam*. Cultivated in the region's unique black cotton soil (also called regar soil), which is rich in clay, lime, and silt, the rice develops a distinct earthy flavor and retains high moisture due to the soil's low permeability and high water-holding capacity. The red pericarp of this coarse rice contributes significantly to its high fiber and nutrient content, especially when preserved through parboiling. A single 1/4-cup serving of Matta rice contains around 160 calories, 1 gram of fiber, 1 gram of calcium, and 84 mg of magnesium, making it far more nutritious than white polished rice. This variety is deeply rooted in the agrarian heritage of Kerala and gained Geographical Indication (GI) status in 2007 under the application of the Palakkad Matta Farmers' Producer Company Ltd, recognizing its regional identity and nutritional superiority.

Edayur Chilli

Edayur Chilli²³³, locally known as *Edayur Mulaku*, is a distinctive chilli variety cultivated in the Edayur Panchayat and surrounding areas of Malappuram district, Kerala. Recognized for its low pungency and unique flavor, this chilli has a drooping, moderately triangular-shaped fruit with a smooth surface. The variety is said to have originated from seeds brought back by a job seeker who returned from Malaysia and planted them in Edayur's soil. Primarily grown across Valanchery and Angadippuram Block Panchayats, chilli cultivation spans 26 hectares across nine Grama Panchayats. Edayur chilli is popularly used to prepare fried chillies and Mulaku Kondattam (curd-soaked, sun-dried chillies), which can be stored for over a year. Initially, these chillies were so prized they were sold by count. As they mature, the chillies shrink in size while their spiciness slightly intensifies. Farmers earn up to ₹250 per kg, and many grow

²³² <https://www.gikerala.in/products/palakkadan-matta-rice>

²³³ <https://www.gikerala.in/products/edayur-chilli>

chillies exclusively. The Geographical Indication (GI) tag granted to Edayur Chilli has expanded its market reach and strengthened its cultural and economic identity.

Gandhakasala Rice

Gandhakasala Rice²³⁴ is a renowned indigenous aromatic rice variety cultivated exclusively in Wayanad district, Kerala, with some limited presence in parts of Karnataka. Known for its distinct sandalwood-like aroma and small grain size, it differs from other aromatic rices like Basmati and is highly prized for preparing dishes such as biriyani and ghee rice. This rice is closely tied to the traditions of the Chetti community, who are its primary cultivators, especially in the Chekadi and Thirunelli regions. Grown mostly through organic farming practices, Gandhakasala has a crop duration of 180–190 days and thrives in Wayanad’s unique climatic and soil conditions. Due to its exceptional flavor and aroma, it commands a premium price in the market. Recognizing its cultural and agricultural significance, Gandhakasala rice received Geographical Indication (GI) registration under the national agricultural modernization project implemented via the Ambalavayal Regional Agricultural Research Centre.

Nilambur Teak

Nilambur Teak²³⁵, grown in the Nilambur region of Malappuram district, Kerala, is globally celebrated as the “Queen of Woods” due to its unmatched quality, durability, rich golden-brown color, and distinctive annual rings and fragrance. Also known as Malabar Teak, this species flourishes in the deciduous forests of Nilambur, growing up to 50 metres tall, and is naturally resistant to termites, fungi, and pests, making it ideal for construction and luxury manufacturing. Its high antioxidant content and ability to withstand tropical humidity and temperature variations further enhance its value. Nilambur teak has been used in elite interiors, including Rolls-Royce cars, the Mecca Masjid in Saudi Arabia, and Buckingham Palace in London, underlining its international prestige. Loved by artisans and furniture makers, its aesthetic appeal and resilience make it highly sought after in global markets. Recognizing its unique origin and superior characteristics, Nilambur Teak was awarded the Geographical Indication (GI) tag by the GI Registry and Intellectual Property India, cementing its status as a heritage wood of global repute.

²³⁴ <https://www.gikerala.in/products/wayanad-gandhakasala-rice>

²³⁵ <https://www.gikerala.in/products/nilambur-teak>

Jeerakasala Rice

Jeerakasala Rice²³⁶, a traditional aromatic rice variety from Wayanad district, Kerala, is cherished for its distinct fragrance, golden-yellow color, and medium-sized, slender grains that resemble cumin seeds hence its name. Cultivated primarily in the highland regions of Wayanad at altitudes around 750 meters, Jeerakasala thrives in areas with ample sunlight and elevated terrain, and takes about 150–180 days to reach harvest. The rice plant, *Oryza sativa*, features thin stems and densely packed panicles, with each grain tipped in white and marked by a thin awn. Unlike Basmati, Jeerakasala differs in its cultivation conditions, grain structure, and physico-chemical properties, making it uniquely suited to Wayanad's paddy-rich topography reflected in the region's name, *Vayalnad*, meaning "land of paddy fields." Grown alongside other heritage varieties like Gandhakasala, Mullan Channa, and Poothadi Kaima, Jeerakasala has gained prominence for its use in special rice dishes due to its aroma and quality. Its regional and cultural significance has been officially recognized with a Geographical Indication (GI) tag, awarded by the Geographical Indication Registry of India.

Attappady Thuvara

Attappady Thuvara²³⁷, also known as Red Gram or Pigeon Pea (*Cajanus cajan*), is a traditional and nutritionally rich legume cultivated predominantly by tribal communities in the Attappady region of Palakkad district, Kerala. Known as *Thuvara* in Malayalam and *Thomara* in the local tribal dialect, this indigenous crop is specially adapted to dry, rain-shadow conditions and marginal soils, making it ideal for the semi-arid, drought-prone environment of Attappady. Grown across approximately 700 hectares in Agali, Pudur, and Sholayur panchayats, Attappady Thuvara is notable for its large seed size, high seed weight, and cream-colored seed coat. Its low tannin and phenol content enhances its taste and digestibility, making it suitable both as a vegetable and dhal. Rich in protein, dietary fiber, vitamins, and minerals, it offers significant nutritional benefits. Uniquely, the crop has a spreading growth habit, can be maintained for 2–3 years with minimal care, and thrives even under environmental stress. The reduced tannin content also means fewer negative physiological effects and a more palatable flavor, making Attappady Thuvara a valuable traditional crop with both culinary and health significance in the region.

²³⁶ <https://www.gikerala.in/products/wayanad-jeerakasala-rice>

²³⁷ <https://www.gikerala.in/products/attappady-thuvara>

Chengazhikodan Nendran Banana

Chengazhikodan Nendran Banana²³⁸, also known as *Chengazhikode Banana* or *Changalikodan*, is a highly esteemed traditional banana variety cultivated primarily in the Thrissur district of Kerala, particularly in the Vadakanchery block of Thalappilli taluk. Known for its distinct taste, vibrant golden-yellow fruit color, and unique bunch shape, this banana holds cultural and religious significance, especially as 'Kazhchakula' offerings in temples like the Guruvayur Sree Krishna Temple, and is in high demand during festivals like Onam. The fruits are typically arranged in 7–10 hands, each bearing 40–50 fruits in a spiral formation, and the variety thrives under traditional cultivation methods passed down through generations. A special post-harvest technique involving wrapping banana bunches with dry leaves helps develop their signature golden hue and reddish edges. While cultivated across the Vadakanchery region, Erumapetty Panchayat is especially noted for producing the finest Chengalikodan bananas. Historically, these bananas were even showcased at the Murajapam festival held every twelve years at the Sri Padmanabhaswamy Temple in Thiruvananthapuram. Celebrated for its flavor, heritage, and visual appeal, Chengazhikodan Nendran Banana was granted the Geographical Indication (GI) tag on April 1, 2015, preserving its legacy and regional identity.

Alleppey Coir

Alleppey Coir²³⁹, a hallmark of Kerala's traditional craftsmanship, is a globally renowned product originating from Alappuzha district, famously called the "Venice of the East". Known for its eco-friendly, durable, and versatile fibre, coir is extracted from mature coconut husks using a traditional process called retting, where husks are soaked in saltwater for 6 to 10 months, then sun-dried and spun on a traditional *charkha* (spinning wheel). The industry took root in Ambalapuzha and Cherthala taluks in the late 19th century, with the first coir factory Darragh Smail & Company established in 1859 by James Darragh, an Irish-American entrepreneur. Benefiting from the superior quality of Kerala coconuts, Alleppey coir products are acclaimed for their color, strength, and flexibility, and are now exported to over 104 countries by more than 250 exporters.

²³⁸ <https://www.gikerala.in/products/chengalikodan-nendran-banana>

²³⁹ <https://www.gikerala.in/products/alleppey-coir>

Kerala produces 37% of India's coconut husk and 70% of its coir and coir products, which play a vital role in fishing, agriculture, household items, and construction. In modern times, coir is gaining renewed popularity as an eco-friendly alternative to plastic, used in the manufacture of mats, mattresses, rugs, ropes, baskets, and more. This sustainable and culturally significant product has been rightly honored with a Geographical Indication (GI) tag, recognizing Alleppey Coir as a symbol of both India's heritage and environmental responsibility.

Tirur Betel Leaf

Tirur Betel²⁴⁰ locally known as *Tirur Vettila*, is a distinctive and culturally significant betel leaf variety cultivated in the Malappuram district of Kerala, especially across regions like Tirur, Chembra, Thanur, Vengara, Kalpakanchery, and several others. Known for its high chlorophyll, protein, and water content, Tirur betel stands out due to its unique aroma, flavor, and biochemical properties. It possesses medicinal value, showing anticarcinogenic, antimicrobial, and immunosuppressive properties, and is used in Ayurvedic formulations such as Thambooladi Thailam for treating cough.

Cultivation began in the 1880s, initially for local consumption, but its growing demand especially for pan chewing led to the establishment of a Pan Bazaar in Tirur. Today, Tirur betel leaves are exported to countries like Pakistan, Bangladesh, and Afghanistan. Popular varieties cultivated in the region include Karpooora Vettila, Thulasi Vettila, Perungodi, Amaravila, Arikodi, and Koottakkodi. With its nutritive and therapeutic qualities, Tirur Betel has earned not only commercial importance but also a place in Kerala's agricultural and medicinal heritage.

Enforcement and Compliance Mechanisms

India's Geographical Indications of Goods (Registration and Protection) Act 1999 is an important piece of legislation designed to protect products that come from specific regions and have unique qualities tied to their origin. This means that items with a special reputation or distinctive attributes can be legally safeguarded. The Act has a robust system in place for enforcement and compliance ensuring that the rights of those who own registered geographical indications and those who are authorized to use them are well protected. These include both civil and criminal penalties. The Act empowers right holders to pursue civil remedies, such as injunctions, damages, and accounts of

²⁴⁰ <https://www.gikerala.in/products/tirur-betel-leaf>

profits, against those who misuse a GI. Under Sections 20 to 24 any infringement which includes false use of a GI, misleading representations, or deceptively similar markings may be brought before civil courts for relief²⁴¹. Additionally, criminal penalties are prescribed under Chapter VIII of the Act. Offenders may face imprisonment of up to three years and fines extending to ₹2 lakh. The strict penalties are designed to discourage intentional violations and safeguard the quality of products that carry a geographical indication (GI) label. To make sure that these products actually meet the high standards both in terms of quality and regional origin that were promised during their registration, the Act encourages the creation of Inspection Bodies. These bodies are chosen by the registered owner and must be approved by the Registrar. Their responsibilities include monitoring adherence to production methods certifying compliance with geographical specifications and maintaining records of authorized users and production volumes. These bodies act as a quality assurance mechanism and are pivotal in maintaining the credibility and authenticity of GI-tagged goods.

India has also integrated customs protection mechanisms in alignment with the *Intellectual Property Rights (Imported Goods) Enforcement Rules, 2007*. Right holders can record their GI with Indian Customs enabling authorities to interdict counterfeit products at border entry points and seize and detain goods suspected of infringing GI rights²⁴². This border enforcement strategy is especially vital for protecting Indian GIs in international trade safeguarding export markets and reinforcing India's reputation for quality.

Together these enforcement and compliance strategies ensure that geographical indications in India are not merely symbolic but legally protected economic assets with defined commercial rights and institutional oversight.

Benefits and Impacts of Geographical Indication (GI) Certification in India

India's robust Geographical Indications framework under the GI Act 1999 has significantly contributed to the socio economic and cultural landscape of the country. The certification of products as GIs not only protects their intellectual property but also amplifies their commercial and cultural significance. GI certification has enabled many

²⁴¹ Government of India. (1999). *The Geographical Indications of Goods (Registration and Protection) Act, 1999, Sections 20–24*.

²⁴² Central Board of Indirect Taxes and Customs (CBIC). (2007). *Intellectual Property Rights (Imported Goods) Enforcement Rules*.

rural and artisan communities to derive higher economic returns from their goods by enhancing product visibility, authenticity, and perceived value. For example, the Darjeeling Tea GI increased market premiums and export value by leveraging consumer trust in quality and origin²⁴³. GI products often command higher prices due to niche appeal and quality assurance, create employment opportunities in rural areas, and promote value chain development through better market access and branding. You can really see the positive changes in areas known for their handicrafts like Channapatna with its charming toys and Kanchipuram famous for its beautiful silk. Similarly agricultural treasures like Alphonso mangoes and Basmati rice are making a big impact too.

Moreover, these geographical indications (GIs) play a vital role in safeguarding India's rich cultural heritage. They help keep alive traditional knowledge unique production methods and the craft skills that reflect the creativity of different regions. Many traditional practices face the threat of extinction due to industrialization and modernization GI certification encourages their revival and continuity. For instance, Pochampally Ikat²⁴⁴ weaving and Madhubani Painting have seen renewed attention due to GI protection. GIs help maintain authenticity in production methods ensuring that cultural integrity is upheld while fostering intergenerational knowledge transfer and strengthening cultural identity within communities.

GI-labelled products benefit from distinct branding that differentiates them in a crowded marketplace. With rising consumer interest in ethically produced, region-specific and high-quality products GI certification becomes a trust signal. In international trade GIs serve as non-tariff trade tools enhancing competitiveness, as a basis for bilateral agreements (e.g., India-EU GI negotiations) and as mechanisms to prevent unfair competition and misrepresentation. Products like Mysore Sandalwood Oil and Kashmiri Pashmina gain brand equity through GI labelling, often expanding into luxury markets.

While not an original aim GIs often encourage sustainable agricultural and ecological practices since many registered products are region-dependent and eco-sensitive. For instance, the organic farming practices found in Kodagu Coffee and Sikkim Large

²⁴³ Das, K. (2009). *Socioeconomic Implications of Protecting Geographical Indications in India*. Centre for WTO Studies.

²⁴⁴ Rangnekar, D. (2004). *The Socio-Economics of Geographical Indications: A Review of Empirical Evidence from Europe*. UNCTAD/ICTSD.

Cardamom highlight a deep respect for biodiversity and the environment. To sum up getting a Geographical Indication (GI) certification in India is about more than just a legal label. It serves as a powerful tool for development that combines economic growth, cultural heritage, and marketing strategies. By linking local traditions to a global audience GI certification supports a strong inclusive economy that benefits everyone involved.

Challenges in the Indian GI Framework

India has achieved a remarkable milestone by registering over 400 Geographical Indications (GIs) under the Geographical Indications of Goods (Registration and Protection) Act 1999. However, there are still several hurdles that prevent us from fully harnessing the benefits of this important intellectual property right. The challenges we face in promoting our unique products are quite significant. At the grassroots²⁴⁵ level many producers and artisans simply aren't aware of the benefits that come with Geographical Indication (GI) registration. This lack of awareness can really hold back the growth and recognition of our traditional products. Many of these talented producers don't know about the GI Act or how to navigate the registration process which means that a lot of grassroots artisans don't get the representation they deserve.

Even when products are successfully registered it's not uncommon for producers to struggle with marketing the GI tag effectively. Consumers too often don't fully understand the importance of GI labelling, which diminishes its potential as a strong differentiator in the market. This issue is especially pronounced in remote and underdeveloped regions where there's often little institutional support or legal knowledge available. Overall, these barriers can make it difficult for our unique and culturally rich products to thrive.

Another challenge lies in the high costs of registration and compliance. Filing applications, preparing legal documentation, setting up inspection bodies and maintaining standards are financially burdensome for small producers or artisan collectives²⁴⁶. Even after receiving certification sustaining traceability and inspection processes incurs ongoing costs. In the absence of financial incentives or subsidies

²⁴⁵ Singh, A. (2021). Awareness and Adoption of GI Tags in Indian Rural Clusters. *Journal of Rural Development Studies*, 18(2), 102–115.

²⁴⁶ Das, K. (2010). The Costs of GI Certification in India: An Institutional Perspective. Working Paper, Centre for WTO Studies.

participation tends to decline post-registration as seen in products like Toda embroidery²⁴⁷ or Manipuri black pottery. Enforcement mechanisms are also considered slow, reactive, and fragmented. Even with legal options available there are still significant challenges in protecting unique products like Darjeeling Tea and Banarasi Sarees from counterfeiting. Weak market oversight and limited resources in the legal system make it tough to tackle this issue effectively. Counterfeit goods continue to flood both physical markets and online platforms putting genuine producers at a disadvantage. Unfortunately, efforts to enforce Geographical Indications (GIs) often fall short mainly relying on underfunded groups of producers rather than a strong organized brand protection strategy.

Gaining international recognition for Indian Geographical Indications (GIs) can be quite a challenge. Getting unique products registered in foreign markets can be quite a journey and it often feels a bit overwhelming. Imagine having to translate all sorts of documents that prove historical connections and then facing potential opposition from overlapping claims it's definitely no walk in the park Yet despite the challenges many are passionate about this endeavour. They're eager to showcase the beautiful richness of Indian heritage to the world. It's a tough road but one that holds great significance for those involved.

Take Darjeeling Tea for example it's protected in the EU showcasing the potential of Indian GIs. However, many other products still face vulnerability and lack protection primarily due to the absence of bilateral agreements and a push for better global branding. It's a complex landscape but the passion to preserve and promote India's unique offerings motivates many to persevere. On top of that there are still quite a few institutional hurdles to overcome. The Geographical Indications Registry is based in Chennai²⁴⁸ which can make it challenging for applicants from distant areas to access the services they need in a timely manner. Once the registration process is complete support tends to dwindle and without cohesive branding efforts numerous geographical indications lose their visibility and impact.

To really make a change we should focus not just on registering these GIs but on building genuine value around them. This calls for meaningful reforms in India's GI

²⁴⁷ Roy, M. (2017). Challenges in GI Handicrafts: A Post-Certification Review. *Economic and Political Weekly*, 52(19), 56–63.

²⁴⁸ Chakravarti, M. (2019). Beyond Registration: The Missing Links in India's GI Strategy. *Indian Journal of Intellectual Property Law*, 11(1), 27–41.

framework to ensure they thrive and get the recognition they deserve. We should work on raising awareness providing financial assistance to smaller producers decentralizing administrative processes for easier access and stepping up international efforts to ensure that these geographical indications are recognized and protected globally.

Comparative Analysis: India's GI System vs. the European Union Framework

India and the European Union both operate robust systems for the registration and protection of Geographical Indications (GIs). However, their scope, institutional frameworks, enforcement capabilities, and market integration strategies differ significantly. These distinctions offer valuable insights into how India's GI regime can evolve and align more closely with global best practices.

A notable strength of India's GI regime is its inclusivity. Unlike the EU, which primarily focuses on agricultural products, foodstuffs, wines, and spirits, India's legislation extends GI protection to a wide array of handicrafts, textiles, and cultural goods. India's Geographical Indications of Goods (Registration and Protection) Act, 1999²⁴⁹, explicitly allows registration of products like Kanjeevaram Silk, Madhubani Paintings, and Blue Pottery of Jaipur. In contrast, the EU's system is bifurcated under Regulation (EU) No 1151/2012²⁵⁰ into Protected Designation of Origin (PDO)²⁵¹ and Protected Geographical Indication (PGI)²⁵² for agricultural products, and a separate legal framework governs wines and spirits. While this makes the Indian model culturally holistic and socially inclusive, the EU's sector specific regulation allows for deeper specialization and synergy with policies like the Common Agricultural Policy (CAP), thus integrating GIs into broader rural development agendas.

The EU's GI system is widely regarded as one of the most sophisticated in the world, especially in terms of enforcement. Administrative and legal structures ensure that GIs are strictly monitored and enforced through national authorities and centralized EU databases such as DOOR and eAmbrosia. Moreover, EU GIs benefit from automatic protection under bilateral trade agreements, such as the EU-China GI Agreement, which

²⁴⁹ Government of India. (1999). The Geographical Indications of Goods (Registration and Protection) Act, 1999

²⁵⁰ European Union. (2012). Regulation (EU) No 1151/2012 on Quality Schemes for Agricultural Products and Foodstuffs.

²⁵¹ Regulation (EU) No. 1151/2012 of the European Parliament and of the Council of 21 November 2012 on Quality Schemes for Agricultural Products and Foodstuffs, 2012 O.J. (L 343) 1, 4–5.

²⁵² Regulation (EU) No. 1151/2012 of the European Parliament and of the Council of 21 November 2012 on Quality Schemes for Agricultural Products and Foodstuffs, 2012 O.J. (L 343) 1, 6–7.

ensures legal safeguards across jurisdictions. Conversely, enforcement in India is riddled with bottlenecks. Despite legal provisions for civil and criminal remedies under the GI Act, weak market surveillance, judicial backlogs²⁵³, and poor coordination between enforcement bodies limit practical efficacy. Many GI holders remain unaware of their rights or lack the means to pursue enforcement, especially for cross-border infringements, which diminishes the commercial value of GI registration.

The European Union offers considerable institutional support to its GI producers. This includes EU-funded marketing initiatives like the “Enjoy! It’s from Europe” campaign, which promotes GI products within and beyond the EU²⁵⁴. Additionally, producer cooperatives and consortiums often manage GI certification, branding, and compliance, giving them collective bargaining power and a unified voice in trade discussions. This support ensures that GIs are positioned as high-quality, premium brands globally. In contrast, Indian GI producers often face minimal post-registration assistance. Without a centralized promotional body, branding remains fragmented. Except for a few globally recognized products like Darjeeling Tea, most Indian GIs lack visibility in international markets. The absence of structured support mechanisms hinders their market reach, despite their rich cultural heritage and artisanal value

The EU’s multi-tiered institutional structure involves local authorities for inspection, centralized oversight by the European Commission, and legal harmonization across all member states. This decentralization ensures better access, accountability, and compliance. In comparison, India’s institutional setup is centralized through a single GI Registry located in Chennai, which creates geographical and logistical barriers for stakeholders in distant regions²⁵⁵. Furthermore, the lack of legally empowered, decentralized inspection bodies restricts quality assurance, making it difficult to maintain the standards required for GI credibility, particularly in the export market.

The European Union aggressively promotes its GIs at multilateral and bilateral forums, ensuring widespread recognition under the WTO’s TRIPS Agreement²⁵⁶ and FTAs.

²⁵³ Das, K. (2010). Protection and Promotion of GIs in India: Current Status and Future Challenges. Working Paper, Centre for WTO Studies.

²⁵⁴ <https://www.innovationnewsnetwork.com/eu-allocates-e132m-to-promote-sustainable-agri-food-products/53995/>

²⁵⁵ Chakravarti, M. (2019). Institutional Shortcomings in India's GI System. *Indian Journal of IP Law*, 11(1), 47–59.

²⁵⁶ Agreement on Trade-Related Aspects of Intellectual Property Rights, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1C, 1869 U.N.T.S. 299.

This strategy has led to automatic protection of EU GIs in major global markets, significantly reducing the risk of misappropriation. India, although successful in obtaining GI recognition for select products such as Darjeeling Tea in the EU, often relies on case-by-case negotiations that can be lengthy and contested. The lack of institutional frameworks for global lobbying and weak documentation further complicate international registration efforts, limiting India's footprint in global GI governance.

While India's GI system is culturally inclusive and socially empowering especially for traditional artisans and rural communities it struggles with enforcement, post-registration support, and international recognition. The EU model, on the other hand, offers a more structured, enforcement-driven, and globally integrated framework that serves as a benchmark for GI governance. A hybrid approach that combines India's inclusive registration strategy with the EU's institutional strength, enforcement rigor, and global outreach could help maximize the potential of GIs in India, benefiting both producers and the national economy.

Conclusion

The Indian legislative framework for Geographical Indications (GIs) is a critical instrument in preserving the nation's vast cultural ecological, and artisanal diversity. Enacted under the Geographical Indications of Goods (Registration and Protection) Act 1999 this legislation provides a legal foundation for the registration and protection of products that owe their unique characteristics to their geographical origin such as Darjeeling tea and Mysore silk. The Act has really made a difference for local communities and traditional producers. The text highlights the positive impact of granting exclusive rights to use and promote registered geographical indications (GIs) empowering communities and enhancing rural development market access and the protection of traditional knowledge. While these measures improve livelihoods and preserve cultural heritage the weak enforcement framework presents a significant challenge in effectively implementing these protections in the Indian GI ecosystem. Although the Act criminalizes unauthorized use of GIs enforcement mechanisms at the grassroots level remain inadequate due to lack of awareness logistical limitations and bureaucratic inertia. Moreover, limited post registration support and absence of

marketing assistance hinder the economic scalability of GI-tagged goods often leaving registered producers without significant financial gains.

Another significant challenge lies in global recognition and protection. While India is a signatory to the TRIPS Agreement (Trade-Related Aspects of Intellectual Property Rights) Indian GIs face barriers in being recognized or protected in other jurisdictions unless registered under their domestic laws or international treaties. This creates an uneven playing field in global markets and reduces the competitiveness of Indian GIs in sectors such as textiles handicrafts and agriculture.

To address these gaps the chapter emphasizes the urgent need for policy enhancements that include better legal harmonization inclusion of service-sector GIs and simplification of procedural requirements. At the same time, it's important to focus on building skills within local communities. By offering training improving digital literacy and fostering cooperative development we can help local people take charge of their geographical indications (GIs) more effectively. This empowerment enables them to manage and promote their unique local products. The text emphasizes the importance of international partnerships and agreements in protecting and recognizing Indian Geographical Indications (GIs) across borders.

Given India's immense cultural capital and environmental wealth, an integrated GI strategy grounded in inclusive development legal robustness and diplomatic outreach can transform GIs into instruments of sustainable socio-economic growth and cultural diplomacy.

CHAPTER 6

Analysing the comparative strengths & weakness of European unions and Indian Legislative framework

Assessing Legislative Frameworks: A Comparative Look at the European Union and India

Geographical Indications (GIs) are an important part of intellectual property rights around the world. They help protect products that have special qualities a strong reputation or distinct features that come from being made in a particular region. This protection ensures that only producers from the designated area can use the GI label preventing misuse by others whose products don't meet the established standards. While both the European Union (EU) and India have developed legal systems to recognize and enforce GIs their approaches vary significantly in scope, structure and alignment with international trade practices.

The EU has built one of the most robust GI systems in the world governed by Regulation (EU) No 1151/2012²⁵⁷ which focuses on quality schemes for agricultural products and foodstuffs. This system classifies GIs into two main types: Protected Designation of Origin (PDO), which requires all stages of production to occur within the region, and Protected Geographical Indication (PGI)²⁵⁸, which requires at least one production stage to be carried out there. In the European Union agricultural standards are overseen by the Directorate-General for Agriculture and Rural Development, part of the European Commission. This helps ensure that all member countries follow the same high-quality standards. To strengthen protection²⁵⁹ for Geographical Indications (GIs) the EU is also actively forming bilateral trade agreements that extend GI recognition beyond its borders.

These agreements play an important role in helping products gain international recognition while also giving them strong legal protection. When countries work together like this, they're not just preserving unique regional foods and drinks they're

²⁵⁷ Regulation (EU) No. 1151/2012 of the European Parliament and of the Council of 21 November 2012 on Quality Schemes for Agricultural Products and Foodstuffs, 2012 O.J. (L 343) 1.

²⁵⁸ European Commission. (2012). Regulation (EU) No 1151/2012 on quality schemes for agricultural products and foodstuffs.

²⁵⁹ Josling, T. (2006). The War on Terroir: Geographical Indications as a Transatlantic Trade Conflict. *Journal of Agricultural Economics*, 57(3), 337-363.

also helping these products stand out globally putting them in the spotlight they truly deserve.

India on the other hand manages its GI protection through the Geographical Indications of Goods (Registration and Protection) Act 1999 which came into effect in 2003²⁶⁰. The GI Registry in Chennai under the authority of the Controller General of Patents, Designs and Trademarks handles registration and enforcement. India's system for protecting its unique products is quite broad featuring everything from agricultural and natural goods to handmade items and manufactured products. You might recognize some of its iconic offerings like the fragrant Darjeeling Tea²⁶¹, the intricate Aranmula Kannadi²⁶² mirrors and the rich Wayanad Robusta Coffee²⁶³. One notable difference from the EU is that India has a single tier system that doesn't differentiate based on the strength of the connection to the geographic area. While this approach is simpler and more straightforward it may lack the refined distinctions offered by the EU model.

Comparative Analysis: Key Strengths and Weaknesses

Aspect	European Union	India
Legal Classification	Dual-tier (PDO & PGI) provides flexibility and market clarity ²⁶⁴	Single-tier system may lead to ambiguity in product classification ²⁶⁵
International Recognition	Widely integrated into trade agreements (e.g., EU-Japan EPA, EU-China GI agreement) ²⁶⁶	Limited international recognition beyond TRIPS minimum standards
Enforcement Mechanism	Strong regulatory oversight, frequent market	Weak enforcement at domestic and border

²⁶⁰ The Geographical Indications of Goods (Registration and Protection) Act, No. 48 of 1999, India Code (2003),

²⁶¹ GI Registry India. (2024). Registered GIs. <http://ipindia.nic.in/registered-GI.html>

²⁶² id

²⁶³ id

²⁶⁴ Addor, F., & Grazioli, A. (2002). Geographical Indications beyond Wines and Spirits: A Roadmap for a Better Protection for Geographical Indications in the WTO TRIPS Agreement. *The Journal of World Intellectual Property*, 5(6), 865–897.

²⁶⁵ Das, K. (2009). Socioeconomic Implications of Protecting Geographical Indications in India. Centre for WTO Studies.

²⁶⁶ European Commission. (2021). EU-China Agreement on GIs.

	surveillance, and sanctions ²⁶⁷	levels ²⁶⁸
Administrative Capacity	Centralized and harmonized through EU institutions ²⁶⁹	Decentralized, with limited capacity at state level ²⁷⁰
Public Awareness and Producer Participation	High level of consumer awareness and stakeholder inclusion	Limited producer knowledge and community mobilization in rural areas
Digital Accessibility	Comprehensive online databases like DOOR and eAmbrosia ²⁷¹	GI Registry portal lacks advanced searchability and transparency

Strengths of the EU Geographical Indication (GI) Framework

Integrated Market Benefits

One of the most significant advantages of the European Union's GI system is the automatic and uniform protection across all EU Member States. Once a product is registered as a Protected Geographical Indication (PGI) or Protected Designation of Origin (PDO) under Regulation (EU) No. 1151/2012²⁷², it gains legal safeguarding throughout the EU's single market without the need for individual national registrations²⁷³. This harmonized approach reduces administrative burdens, lowers transaction costs, and enables seamless market access across 27 countries, enhancing trade flows and consumer reach for GI products.

²⁶⁷ Blakeney, M. (2014). Geographical Indications in the EU: An Assessment of their Impact and Opportunities for Reform. IIC, 45, 1030–1049.

²⁶⁸ Basole, A., & Ravi, C. (2020). Challenges in GI Enforcement in India. Indian Journal of Law and Technology, 16(2), 89–112.

²⁶⁹ Coombe, R. J. (2010). Protecting Cultural Industries and Local Heritage: European Lessons for India. International Journal of Cultural Property, 17(4), 493–510.

²⁷⁰ Prabhakar, R. (2018). GI Governance in India: Capacity Gaps and Institutional Reforms. Journal of World Intellectual Property, 21(5-6), 424–439.

²⁷¹ <https://ec.europa.eu/info/food-farming-fisheries/food-safety-and-quality/certification/quality-labels/eambrosia>(10 mar 2024)

²⁷² Regulation (EU) No. 1151/2012 of the European Parliament and of the Council of 21 November 2012 on Quality Schemes for Agricultural Products and Foodstuffs, 2012 O.J. (L 343) 1.

²⁷³ European Commission. (2012). Regulation (EU) No 1151/2012 on quality schemes for agricultural products and foodstuffs

Additionally, the integration of GIs into EU free trade agreements (FTAs) extends their protection internationally examples include the EU-Japan Economic Partnership Agreement and the EU-China Agreement on GIs, which together safeguard thousands of GI names²⁷⁴.

High Consumer Awareness and Premium Pricing

EU consumers exhibit high awareness and strong trust in GI labels often associating them with quality, authenticity and cultural heritage. This perception significantly influences purchasing decisions particularly in countries like France, Italy and Spain where GI-labelled products dominate segments of the food and wine markets²⁷⁵.

Empirical evidence suggests that GI products in the EU command a price premium of 2.23 times over non-GI counterparts²⁷⁶. The added value is not only economic but also symbolic European consumers tend to value tradition, locality and transparency all of which are communicated through GI labelling systems.

Strong Enforcement Mechanisms

The European Union has established a comprehensive enforcement framework that includes local level monitoring customs enforcement and international cooperation to ensure consistent adherence to its regulations. Each EU Member State must assign a dedicated authority responsible for checking that products meet the required standards and for carrying out regular inspections and audits to maintain compliance²⁷⁷.

Furthermore, the EU Intellectual Property Office (EUIPO) in collaboration with customs helps prevent the import of counterfeit GI-labelled products. Border protection measures are legally binding and regularly enforced. The Commission also maintains digital tools such as eAmbrosia and GI View which allow producers, consumers and customs officials to monitor GI usage and combat infringement²⁷⁸.

²⁷⁴ European Commission. (2020). EU-China Geographical Indications Agreement.

²⁷⁵ Teuber, R. (2011). Consumers' and producers' expectations towards geographical indications: Empirical evidence for a German case study. *British Food Journal*, 113(7), 900–918.

²⁷⁶ European Commission. (2019). Study on economic value of EU quality schemes, geographical indications (GIs) and traditional specialties guaranteed (TSGs).

²⁷⁷ Blakeney, M. (2014). Geographical Indications in the EU: An Assessment of their Impact and Opportunities for Reform. *IIC*, 45(9), 1030–1049.

²⁷⁸ EUIPO. (2023). GIView and enforcement toolkit.

Linkage with Sustainability and Rural Development

The European Union is really thoughtful about how they handle Geographical Indications (GIs) within their Common Agricultural Policy (CAP) and Rural Development Programs²⁷⁹ (RDPs). The European Union recognizes that geographical indications (GIs) are more than just a matter of intellectual property. People view geographical indications (GIs) as essential tools for promoting sustainable farming protecting biodiversity and supporting rural communities. By recognizing the significance of GIs, the EU is actively contributing to a healthier and more vibrant agricultural landscape. This method shows a real commitment to not only keeping alive the unique qualities of local products but also to supporting the lives and traditions of the people who make them. Geographic Indication (GI) products truly highlight a beautiful mix of ecofriendly practices, local sourcing and cultural heritage²⁸⁰. They tell the story of a community and its values making each item a special part of that story.

In many rural areas that aren't heavily industrialized, local foods with geographic indication (GI) labels mean a lot to the people living there. These special foods aren't just tasty they help support local families and keep old traditions alive. When we choose to eat these products, we're not only enjoying something delicious but we're also helping protect a way of life that has been passed down for generations. Take Parmigiano Reggiano from Italy Roquefort from France and Prosciutto di Parma. Each of these delicious products isn't just celebrated for their unique Flavors they are integral to the livelihoods of local farmers and producers. When we choose to buy handmade or locally crafted foods, we're doing more than just enjoying their special taste we're helping local people and supporting the environment. These foods are often tied to the culture and identity of the place they come from, which makes them even more meaningful. In an age where mass production often takes centre stage these handcrafted goods remind us of the beauty in authenticity community and heritage. It's more than just enjoying a meal it's about connecting with the stories culture and passionate people behind each flavour. Every meal we enjoy has a story behind it making even the simplest food feel special. These dishes do more than just fill us up they connect us to the places and traditions they come from. When we eat, we're also tasting the care and

²⁷⁹ Giacomo Belletti, Andrea Marescotti & Jean-Marc Touzard, Geographical Indications, Public Goods, and Sustainable Development: The Roles of Actors' Strategies and Public Policies, 98 World Dev. 45 (2017).

²⁸⁰ European Parliament, Geographical Indications for Non-Agricultural Products, PE 631.764 (2019),

effort someone put into making that food. It reminds us that there's often a rich history behind the Flavors we love.

Strengths of the Indian GI Framework

Emphasis on Cultural Preservation

One of the most compelling aspects of India's Geographical Indications (GI) system is its focus on preserving cultural heritage and traditional knowledge. Unlike patents or trademarks that highlight individual ownership the Geographical Indications of Goods (Registration and Protection) Act, 1999 is designed to protect the collective wisdom of communities. This approach is especially meaningful in a country as culturally rich and diverse as India where local crafts and farming traditions often span generations. Think of iconic products like Kanjeevaram silk sarees²⁸¹, Darjeeling tea or Madhubani paintings²⁸². These aren't just commercial goods they carry stories, identities and histories that reflect the regions they come from.

Beyond recognition the GI framework also acts as a safeguard against cultural exploitation especially by outside parties who may try to profit from these traditions without respecting their roots. By legally affirming the origins and heritage behind these products the system helps ensure that local communities retain both ownership and pride in their work. It also supports their livelihoods in a way that values sustainability authenticity and dignity²⁸³.

Affordability and Accessibility

Despite some bureaucratic red tape, the cost of filing a GI application in India is significantly lower than in many other jurisdictions. The fees for registration are structured to be accessible to grassroots producer organizations, self-help groups, and cooperatives, which are often the custodians of GI goods²⁸⁴. The system makes it easy for groups to register together, which means that entire communities or regions can enjoy the benefits of geographical indication (GI) protection rather than just one

²⁸¹ <https://en.wikipedia.org/wiki/Kanchipuram>

²⁸² <https://itokri.com/blogs/craft-masala-by-itokri/the-madhubani-painting-heritage>

²⁸³ K. Das, Prospects and Challenges of Geographical Indications in India, 13 J. World Intell. Prop. 148 (2010).

²⁸⁴ World Intell. Prop. Org., Geographical Indications: An Introduction (2017).

individual or organization. Additionally, many state governments and central institutions provide financial support programs to help lighten the load for those involved. For instance, the Geographical Indications Registry under the Controller General of Patents Designs and Trademarks (CGPDTM) has simplified application procedures and hosts awareness campaigns to enhance accessibility. This affordability and inclusivity help to democratize intellectual property rights in a country where economic disparities can often be a barrier to legal empowerment²⁸⁵.

Government Promotion of Export-Ready GIs

Another key strength of India's GI strategy is the hands-on involvement of government bodies like the Agricultural and Processed Food Products Export Development Authority (APEDA) and the Ministry of Commerce and Industry. These organizations have been instrumental in putting Indian GI-tagged goods on the global map. By taking part in international trade fairs, exhibitions, and global campaigns like India GI Week, they've helped raise awareness and improve the global appeal of these uniquely Indian products²⁸⁶.

On top of that, specialized groups such as the Export Promotion Council for Handicrafts (EPCH) and the India Brand Equity Foundation (IBEF) provide much-needed support with branding, logistics and exports. Thanks to their efforts GI-tagged items aren't just seen as traditional or niche they're positioned as premium high value goods in global markets. This not only boosts income for local producers but also plays into India's larger goals of cultural diplomacy and soft power by showcasing the country's rich heritage on a world stage²⁸⁷.

Weaknesses of the EU GI Framework

Bureaucratic Complexity for Non-EU Applicants

While the EU's Geographical Indications system is known for offering strong legal protection and earning consumer trust it can be a real maze for producers outside the bloc especially those from countries like India. The registration process comes with

²⁸⁵ D. Rangnekar, The Law and Economics of Geographical Indications: Introduction to Special Issue, 12 J. World Intell. Prop. 183 (2009).

²⁸⁶ APEDA. (2023). Promotional Activities for GI Products. Agricultural and Processed Food Products Export Development Authority.

²⁸⁷ Handicrafts Industry in India, India Brand Equity Found., <https://www.ibef.org/industry/handicrafts-india>

several layers of complexity. Applicants must prepare detailed documentation, including technical specs and historical background, and translate everything into one or more official EU languages. On top of that, they have to deal with both national and EU-level scrutiny, and often need an EU-based legal representative to manage objections or disputes²⁸⁸.

Take Indian producers, for instance. Before they can even apply in the EU, they must first secure GI recognition at home under India's GI Act. Only then can they move forward with the EU application, which involves another round of evaluations first by the European Commission, then potentially by EU member states or stakeholders who might raise objections. This dual layered process doesn't just slow things down it also ramps up costs. For small or medium sized producers without legal backing or institutional support navigating this system can feel overwhelming. As a result, many are effectively shut out from European markets, limiting their opportunities for international growth²⁸⁹.

High Compliance Standards

The EU's strict regulations around quality, traceability, hygiene, and environmental sustainability are great for maintaining consumer trust and brand value. But for producers in developing countries²⁹⁰ like many in India meeting these standards can be a serious challenge.

Small Indian producers, who are often part of informal networks or cooperatives, may find it hard to implement detailed tracking systems or follow EU-specific processing methods. Getting certified by third-party agencies and keeping up with regular audits and paperwork only adds to the burden especially when resources are already stretched thin.

These compliance requirements don't just drive-up costs they can also end up excluding traditional producers if their long-established practices don't perfectly match EU regulations even when those practices are beneficial for the environment or hold significant cultural value. This puts traditional producers in a challenging position as

²⁸⁸ Gangjee, D. (2017). *Relocating the Law of Geographical Indications*. Cambridge University Press.

²⁸⁹ K. Das, *International Protection of India's Geographical Indications: An Overview of the TRIPS Agreement and the EU-India FTA Negotiations*, Ctr. for WTO Stud., Indian Inst. of Foreign Trade (2011).

²⁹⁰ European Commission. (2020). *GI Guidelines and Control Mechanisms*. Directorate-General for Agriculture and Rural Development

they try to find a way to honor their heritage while adhering to stringent international rules. It's a delicate balancing act that often feels like a tug of war between the past and the present²⁹¹.

Limited Flexibility for Traditional Methods

One of the common criticisms of the EU's GI system is its rigid standardized approach to how goods should be produced. While this may work well within the EU it often doesn't reflect the diverse agricultural and cultural realities of countries like India. Many traditional Indian GI products like the Aranmula Kannadi (handmade mirrors from Kerala) or Wayanad Robusta Coffee are made using unique, locally adapted methods that have evolved over generations. These methods are deeply connected to regional customs and biodiversity, not industrial norms²⁹².

However, the EU framework tends to emphasize consistency modern food safety standards and scalable production criteria that don't always match up with artisanal or community-based practices. Regulatory templates are usually one size fits all, leaving little room to accommodate the distinct social, economic²⁹³, and ecological contexts found in non-EU regions.

As a result, traditional products risk being left out of the GI system altogether or being altered just to fit into the EU's Mold. Either way there's a real danger that the authenticity, cultural value and sustainability of these time-honoured practices could be lost in the process.

Weaknesses of the Indian GI Framework

Weak enforcement mechanisms

India has developed a thoughtful legal framework to safeguard Geographical Indications (GIs), but its enforcement on the ground leaves much to be desired. One of the biggest issues is the rampant imitation and counterfeiting of GI-tagged goods. From domestic markets to international shelves unauthorized producers often copy these products misleading consumers and undercutting the value of genuine ones. A well-

²⁹¹ O'Connor & Company. (2005). Study on Geographical Indications: Impact for Developing Countries. Report for the European Commission.

²⁹² S. Menon, Traditional GI Practices and the EU Dilemma: Case Study of Kerala's Indigenous Knowledge, 25 J. Intell. Prop. Rts. 139 (2020).

²⁹³ D. Rangnekar, The Socio-Economics of Geographical Indications, UNCTAD-ICTSD Project on IPRs & Sustainable Dev. (2004).

known example is Basmati rice where unauthorized exports from non-GI regions have sparked trade tensions. At one point, even the U.S. Patent and Trademark Office considered allowing “Basmati” to be trademarked by entities outside India, prompting strong objections²⁹⁴. The lack of strict enforcement at borders and in trade regulation only makes such problems worse.

Another concern is the scarcity of judicial precedent. While India has registered more than 400 GIs, very few landmark court cases have set clear legal standards for how these protections should be enforced. The case of the Tea Board of India versus ITC Ltd., involving Darjeeling Tea, is one of the rare examples of GI-related litigation. Yet even that case didn’t offer much clarity on the limits and powers of GI enforcement²⁹⁵ leaving stakeholders uncertain and enforcement inconsistent.

Enforcement agencies themselves often aren’t equipped to handle GI protection effectively. Many police, customs and market officers lack training or awareness of GI laws leading to inaction when violations occur. A 2022 report by the Comptroller and Auditor General (CAG) pointed out that several Indian states don’t even have dedicated GI enforcement cells²⁹⁶. Unlike trademark violations, GI-related seizures are rare because frontline authorities simply don’t have the protocols or resources to act.

The problem becomes even more complex when infringements occur across borders. Though international agreements like TRIPS offer some legal backing, India’s ability to pursue such cases abroad especially for small, artisanal producers is limited. Kolhapuri chappals, for example, have been mass-produced in China and sold under misleading labels, despite being registered as a GI in India and internationally. However, follow up action has been minimal reflecting the country’s limited legal and diplomatic capacity in such matters.

While GI tags aim to empower rural and traditional communities by safeguarding their unique products the current system falls short in providing real protection. Without more robust institutions better trained enforcement teams and improved international

²⁹⁴ Ministry of Commerce & Industry. (2021). Basmati Rice: Export Control and GI Disputes

²⁹⁵ Tea Board, India v. ITC Limited, Calcutta High Court, GA No. 2605 of 2009 (2009)

²⁹⁶ Comptroller and Auditor General of India. (2022). Performance Audit on Intellectual Property Rights in India. CAG Report No. 34.

cooperation GI recognition might end up being just a symbolic gesture rather than a genuine means of achieving economic justice for these communities²⁹⁷.

Low Consumer Awareness Limits GI Effectiveness

Geographical Indications (GIs) are meant to serve as markers of authenticity, cultural heritage and regional identity. But their true potential often goes untapped simply because many consumers either don't recognize them or don't fully understand what they signify. In rural and semi urban areas for instance, buyers are often more focused on price than provenance. GIs usually command higher prices due to the skill and effort involved in production, but when consumers aren't aware of their value, they tend to gravitate toward cheaper alternatives which are often counterfeit. A good example is Madhubani paintings from Bihar²⁹⁸. These beautiful works are created both by certified artisans and by mass producers, but without clear labelling or education at the point of sale, many buyers' locals and tourists alike struggle to tell the difference.

Even in urban markets, the confusion persists. Literate and tech-savvy consumers frequently mix up GIs with other labels like FSSAI, AGMARK, or ISI/BIS. While those logos focus on safety or quality standards, GIs are about uniqueness and cultural legacy²⁹⁹. Unfortunately, many shoppers assume all logos mean the same thing, missing out on the richness that GIs are meant to represent.

A big part of the problem is visibility. GI products don't get the kind of widespread media presence that other initiatives enjoy like those for organic foods or MSMEs. Publicity is often limited to trade fairs or state exhibitions, and on e-commerce platforms, GI-tagged goods are hard to find³⁰⁰. Most listings don't include proper GI tagging or search filters, which means many consumers won't even know they're available. For instance, Amazon India's "Crafted in India" initiative was a step in the right direction, but many genuine GI products still lack digital traceability or proper certification in online listings causing missed opportunities for artisans and buyers alike.

²⁹⁷ Intellectual Property India, Annual Report on GI Protection in International Markets (2020), <https://ipindia.gov.in>. (10 mar 2024)

²⁹⁸ Ministry of Micro, Small & Medium Enterprises, Survey on Handicrafts and Artisan Livelihoods (2021) (India).

²⁹⁹ World Intellectual Property Organization, Consumer Perceptions of GIs in South Asia (2020).

³⁰⁰ Intellectual Property India, Challenges in Market Recognition of GI Tags (2022), <https://ipindia.gov.in>. (10 mar 2024)

The end result is market failure. When consumers can't distinguish between authentic and inauthentic products, the artisans making genuine traditional goods are the ones who lose out. The lack of premium pricing and recognition discourages future investment in these heritage practices. Over time these risks eroding not just market share but also the cultural identity that GIs aim to preserve.

To change this, a more proactive approach is needed. A nationwide awareness campaign similar to *Jago Grahak Jago*³⁰¹ could educate people about the importance of GIs through TV ads, social media and public exhibitions³⁰². Retailers both in physical stores and online should be trained to properly label and explain GI-tagged goods. Schools could also play a role by including information about local and regional GIs in social studies and art curricula. Finally integrating QR code technology on GI products could offer a modern solution allowing buyers to verify authenticity and learn about the artisans behind the product with a quick scan.

Lack of Post-Registration Support for GIs in India

The Geographical Indications of Goods (Registration and Protection) Act 1999 provides a way to formally recognize products tied to specific regions, but once that certificate is granted, producers are often left to navigate the market on their own. Without proper institutional support, most GI products struggle to scale, remain limited to niche markets and fail to fetch the premium prices their uniqueness deserves.

One of the key challenges is the absence of a structured system to help these products thrive after registration. Unlike trademarks and patents which typically benefit from legal teams marketing professionals and branding consultants, GI producers often artisans, tribal collectives or small-scale farmers have little to no access to such resources. There's no coordinated support for packaging design, storytelling, or building market linkages³⁰³. As a result, beautifully crafted and culturally significant products often go unnoticed beyond local fairs. A striking example is the Aranmula Kannadi a handcrafted metal mirror from Kerala. Though it holds GI status, its sales

³⁰¹ Ministry of Consumer Affairs, Food & Public Distribution, Govt. of India, *Jago Grahak Jago*, <https://consumeraffairs.nic.in/en/jago-grahak-jago> (last visited Mar 27, 2025).

³⁰² Ministry of Consumer Affairs, *Jago Grahak Jago*, <https://consumeraffairs.nic.in>

³⁰³ R. Kumar & D. Singh, Challenges in GI Implementation in India, 19 J. Intell. Prop. L. 78 (2021).

remain limited, and its global potential untapped due to a lack of digital marketing and updated product design³⁰⁴.

Accessing broader markets is another major hurdle. Many GI producers aren't equipped with the digital skills needed to sell online, nor do they have the legal or regulatory knowledge required to export their products. For example, despite Banarasi sarees being one of India's most iconic GI-tagged products, cheap machine-made replicas from China have flooded global e-commerce platforms. The original weavers lack the support to challenge these imitations in international markets, making it difficult to protect their brand and heritage³⁰⁵.

In contrast the European Union offers a model India could learn from. There GI support continues well beyond registration. Dedicated funds promote GI products across the EU and abroad, and design labs and regional cooperatives help standardize branding and packaging. EU institutions also provide legal support and market access through trade pacts and embassy-led campaigns. Their Common Agricultural Policy even allocates specific budgets to help GI producers participate in international expos and food fairs something that's sorely missing in India.

This lack of follow-through is a huge missed opportunity for India's rural economy. GIs have the potential to boost rural employment raise local incomes and position Indian cultural exports on the global stage. But without post-registration backing most GI tags end up as little more than decorative titles. Only a few like Darjeeling Tea or Mysore Silk have managed to convert their GI status into real commercial success.

To change this, India needs to invest in long-term support. Setting up GI Promotion Boards at both the state and national level would be a start. Dedicated funds for branding, packaging, legal defense, and digital marketing are essential. Equipping producer groups with training in e-commerce, logistics and international trade could open new markets. And partnering with global trade bodies to actively promote Indian GIs overseas could finally unlock the full potential of these unique, culturally rich products.

³⁰⁴ Ministry of Textiles. (2020). GI Handicrafts Performance Report. Government of India.

³⁰⁵ World Intellectual Property Organization, Banarasi Saree and GI Protection Gaps in International Trade (2021), <https://www.wipo.int>. (10 mar 2024)

India's Geographical Indications (GI) framework, while expansive on paper, faces several deep-rooted structural bottlenecks that limit its global and domestic impact. One major issue is the lack of adequate international protection. India has yet to sign the Lisbon Agreement or its Geneva Act both of which are key instruments for protecting appellations of origin internationally. Additionally, India rarely seeks bilateral GI recognition in major export markets like the EU, USA or China. This leaves Indian GIs exposed to brand theft, deceptive imports and a lack of enforceable rights abroad. A telling example is the case of Basmati rice in the 1990s when a U.S. company nearly trademarked the term. India's intervention came late, and the absence of proactive GI registration made the legal battle long and expensive³⁰⁶. Even today only a handful of Indian GIs are formally protected in major global markets.

Another concern is India's tendency to focus on the quantity of GI registrations rather than their quality or market impact. While over 450 products have been granted GI status fewer than 10% are actively marketed or recognized commercially. This points to a systemic issue where registration is seen as the final goal, rather than the beginning of a commercialization journey. Products like the Tangaliya shawl from Gujarat or Jardalu mangoes from Bihar have gained legal recognition but remain largely absent from major markets due to a lack of follow-through support or branding strategy.

Supply chain inefficiencies add another layer of difficulty. Despite representing local craftsmanship or agricultural excellence many GI products remain confined to informal underfunded supply networks. Without proper logistics, cold chain infrastructure standard warehousing or packaging solutions these products struggle to meet retail or export standards. Perishable goods like Shahi Litchi from Bihar and Alphonso mangoes from Maharashtra for example face significant post-harvest losses due to the absence of processing units or temperature-controlled transport³⁰⁷. This undermines their value in both domestic and global markets.

Together, these gaps reveal a stark disconnect while legal recognition of GIs is high, economic activation remains low. Legal frameworks alone do not guarantee visibility, profitability or sustainability. Without international registration, market readiness and

³⁰⁶ S. Chakravarthi, Basmati Battle: GIs and the US Patent Threat, 15 J. Intell. Prop. Rts. 3 (2010).

³⁰⁷ NABARD. (2021). GI-linked Agri Value Chains in India: Cold Chain Gaps and Priorities. NABARD Research Studies.

integrated supply systems GI tags risk becoming cultural ornaments rather than economic tools.

To change course India must adopt a more strategic outcome driven approach. Internationally this means joining agreements like the Lisbon Agreement and pushing for reciprocal GI recognition through trade pacts such as the India-EU Free Trade Agreement. At home GI management needs a shift in focus from registration counts to measurable market outcomes. Dormant GIs should be de-registered or integrated into larger branding strategies, while a new “GI Maturity Index” could help track commercial progress.

Infrastructure is just as crucial. Investing in GI-specific cold chain hubs, packaging units, and logistics systems can greatly improve shelf life and market access. Producer groups also need training in e-commerce operations, quality standards, and supply chain tools. Additionally developing a dedicated ecommerce portal or integrating GI certified products into existing platforms with visible certification badges could help consumers find and trust these unique offerings.

Implications for Kerala’s Agricultural Exports

Compliance Burdens for EU Market Entry

Some of India’s most culturally rich and high-quality Geographical Indications (GIs) like Wayanad Robusta Coffee, Navara Rice and Malabar Pepper aren’t struggling because of poor quality or lack of demand. Rather, they face hurdles because their traditional production systems aren’t aligned with the legal and technological expectations of the European Union’s compliance frameworks. These mismatches are preventing them from reaching premium shelves abroad, especially in EU markets where demand for origin-linked authentic products is strong.

One of the most significant barriers is traceability. The EU expects a high degree of transparency throughout the supply chain from GPS-tagged farm locations to detailed records of farmer training, centralized processing hubs, and audit trails that trace each shipment’s journey. But most Indian GI producers operate in fragmented, informal supply chains. Small-scale farmers in places like Wayanad or Palakkad rarely have the

means or systems to provide this level of documentation³⁰⁸. As a result, exporters often face delays, consignment rejections, or are forced to route products through third-party handlers losing both margins and control over brand identity.

Packaging and labelling norms add another layer of complexity. EU regulations require food and agricultural products to carry detailed information on nutritional values, storage conditions, country of origin, production unit IDs, and proper GI badges in multiple languages. However, many GI producers in India rely on handmade or eco-conscious packaging that doesn't meet barcoding standards or multilingual labelling requirements³⁰⁹. Malabar Pepper, for instance, has faced customs delays due to missing allergen warnings or labeling that didn't comply with local languages in destination countries³¹⁰.

There's also an assumed expectation of organic and sustainable practices within the EU's PDO and PGI frameworks. While many Indian GI products are indeed produced through traditional, chemical-free methods, they often lack official certification to prove it. Take Navara Rice a heritage medicinal rice grown without pesticides or synthetic inputs. Although its farming methods align with sustainability goals, it fails to qualify under EU norms simply because it lacks the costly organic certification needed for export³¹¹.

Speaking of cost, the financial burden of compliance is a significant deterrent. Preparing legal documentation for PDO or PGI registration in EU format can cost upwards of ₹1–3 lakhs. Label redesign, multilingual printing, and third-party sustainability audits add another few lakhs annually. Certification renewals require ongoing paperwork and fees. These recurring costs mean only large cooperatives or well-funded exporters can even think about entering EU markets, effectively sidelining smallholder groups and traditional artisans.

The cumulative impact of these barriers is hard to ignore. Many Indian GIs never reach European retail shelves where they could fetch two to four times their current value. As a result, India's GI export performance remains underwhelming, despite the incredible product diversity and cultural stories behind them. Worse, traditional knowledge risks

³⁰⁸ Ministry of Commerce (2022). GI Exports and EU Compliance Challenges

³⁰⁹ European Commission. (2021). Food Labelling Requirements under PDO/PGI.

³¹⁰ Coffee Board of India, Exporting Indian GIs: Challenges and Pathways (2020).

³¹¹ Kerala Agricultural University, Navara Rice: Production, Medicinal Uses, and Export Potential (2019), https://kau.in/sites/default/files/documents/research_report_2019.pdf. (10 mar 2024)

being lost in translation forced to fit into rigid Western legal templates without the institutional support needed to bridge that gap.

To unlock the real potential of Indian GIs, a more supportive and targeted approach is needed. State-level GI Export Cells could help with translating documents, creating traceability systems, and managing certifications. Government subsidies or dedicated GI funds should be introduced to cover sustainability certifications like organic and fair trade. Investing in digital traceability tools such as blockchain platforms or GIS tagging could make it easier for small producers to meet EU standards. Finally, collaborating with EU-based NGOs or ethical retailers could open the door for co-developing supply chain upgrades that are both practical and culturally respectful.

Limited Awareness of EU Market Expectations

One of the lesser-addressed challenges in India's GI export strategy is the knowledge gap around European consumer behaviour. Today's EU markets are increasingly shaped by conscious consumption. Buyers don't just want a good product they want to know where it came from, how it was grown, who grew it, and whether the process was ethical and sustainable. Traceability, fair trade certification, eco-friendly practices, and compelling producer stories often influence purchase decisions as much as if not more than taste and quality³¹². Yet, many farmer groups and cooperatives in Kerala, despite their deep-rooted expertise in cultivation, aren't equipped to respond to these evolving expectations. Many brands often concentrate on the physical features of their products overlooking the importance of storytelling and ethical practices that today's European consumers really value. Take Malabar Pepper for instance. It has a rich history connected to ancient trade routes yet the packaging we often see doesn't capture its cultural significance. It would be great to see more emphasis on the heritage behind such a renowned spice. Most of the pepper exported today is bundled into generic packaging with little mention of origin or the smallholder farmers behind it missing a huge opportunity to command premium shelf space in a market hungry for authenticity and cultural connection³¹³.

One of the biggest hurdles we face is building strong retail and branding partnerships. Getting into the EU market isn't just about having a great product it's about finding the

³¹² European Commission. (2022). EU Consumer Trends in Organic and GI Foods

³¹³ Spices Board India. (2020). Malabar Pepper Export Patterns and Market Potential.

right people who know how to tell its story. Importers, branding agencies, and retailers who truly understand the value of these products play a huge role. Simply placing something on the shelf isn't enough. What really matters is how it's presented packaging, storytelling and design all need to work together to catch the consumer's eye and convey the unique heritage behind each item. This means tailored packaging clear storytelling in the right language and visible certifications that consumers trust. Unfortunately, most FPOs or cooperatives in Kerala don't have access to international marketing consultants or dedicated brand managers. As a result, their products often reach EU markets in bulk stripped of their GI identity by intermediaries. Navara Rice is a perfect example. Deeply rooted in Ayurvedic tradition and ritual use, it's often labelled simply as "red rice" or "medicinal rice" abroad failing to connect with Europe's booming interest in ancient wellness systems.

The real-world consequences of this are stark. GI products that could dominate niche, high-value markets in Europe are instead sold in bulk or rebranded by traders, losing their identity and premium value. Malabar Pepper could easily be positioned as a climate-resilient, heritage spice. Wayanad Coffee, with its unique microclimate and bean quality could be marketed as single-origin traceable coffee appealing to Europe's specialty coffee scene. Navara Rice if linked to India's Ayurvedic tradition with the right packaging and narrative could become a flagship wellness grain in the organic food space³¹⁴.

Yet these opportunities remain untapped due to systemic gaps. GI holders receive little to no training in EU retail dynamics. There are no structured branding templates or visual storytelling kits tailored for foreign markets. Few participate in EU food expos or buyer forums, missing out on the very spaces where partnerships are formed and narratives are built.

To address these issues, India and Kerala specifically needs to build institutional support. Setting up GI Market Insight Labs could help train producers through EU market simulations, including case studies, consumer profiling, and storytelling techniques. Creating Branding Toolkits complete with templates for GI logo usage, EU-standard packaging formats, and narrative framing can offer FPOs a ready-made foundation to elevate their products. Creating Kerala GI Export Hubs would be a

³¹⁴ Kerala Agricultural University, Navara Rice: Integrating Ayurveda into GI Branding, J. Agribusiness & Trade (2021).

fantastic step forward. These hubs would offer a supportive environment that includes cold storage facilities e-commerce assistance branding resources and legal support all in one place. They would also encourage collaboration with European partners, potentially launching co-branding initiatives like “Malabar by Nature’s Harvest EU.” This could help transform Indian geographical indications into well-known and respected global products.

Post-GI Institutional Support Deficit

Kerala is home to a remarkable portfolio of Geographical Indications Malabar Pepper, Wayanad Robusta Coffee, Navara Rice, Kasaragod Sarees, and Aranmula Kannadi, to name a few. Each of these products carries deep cultural significance and exceptional quality, yet none have truly broken into the global spotlight or become competitive on the export stage. The reason isn’t a lack of authenticity or craftsmanship but rather the absence of institutional continuity after GI registration. Key areas like logistics, legal protection, and quality assurance remain underdeveloped leaving producers to fend for themselves in highly competitive international markets.

Export logistics, for instance, remains a major bottleneck. GI-tagged products especially perishable ones like Navara Rice or Malabar Tamarind need reliable cold chains, streamlined customs support, and export advisory systems. Yet, Kerala lacks dedicated logistics corridors for GIs, and customs departments still don’t follow GI-specific tagging protocols. Small-scale producers and farmer groups often have no choice but to navigate these complex systems alone or rely on middlemen. This has real consequences. Wayanad Robusta Coffee, a premium micro-origin variety, frequently suffers delays and spoilage due to the lack of centralized roasting and cold-storage facilities despite its high market potential³¹⁵.

Quality consistency is another missing link. Kerala’s GI products often vary widely in quality because there are no formal Standard Operating Procedures (SOPs) in place post-registration. There's also a lack of shared testing labs or training programs to help producers maintain product standards at scale. Without institutional quality checks, buyers often encounter inconsistent experiences, which can hurt brand credibility over time. In the case of Kasaragod Sarees, the absence of a central quality verification

³¹⁵ Coffee Board of India, Status Report on Wayanad Coffee and Export Infrastructure Gaps (2021).

system means that authentic handloom variants often compete with power loom imitations diluting the brand value of the GI³¹⁶.

Legal protection is perhaps the weakest pillar in Kerala's GI ecosystem. Once a product is registered, there's no mechanism in place to monitor misuse on domestic e-commerce platforms or in overseas markets like China, Southeast Asia, or the EU. GI holders rarely receive legal assistance, and enforcement typically falls on state bodies or NGOs that are either underfunded or lack the mandate to act internationally. Malabar Pepper has been rebranded by international resellers as "South Asian Black Pepper," a move that not only erodes its GI identity but also creates unfair competition for authentic producers³¹⁷.

By contrast countries like France and Italy have robust systems that kick into gear after GI registration. Their governments provide cold chain support customs assistance and standardized SOPs monitored by public agencies. Institutions like INAO (France) and Qualivita (Italy) don't just train producers they actively protect GI branding ensure legal compliance and even litigate in international courts when necessary³¹⁸. Marketing too is taken seriously with EU co-financed campaigns food festivals and collaborations with influencers that help keep GI products top-of-mind for consumers.

What Kerala needs is a similar integrated approach. A Kerala GI Export Support Centre (GIESC) could serve as a one-stop hub to assist producers with compliance, packaging, and buyer connections. Using a hub-and-spoke model, it could link up with district-level cooperatives to ensure last-mile reach. At the same time, establishing shared testing and branding labs with backing from agencies like NAFED, NABARD, and APEDA could offer producers tools for quality control, traceability, and professional packaging. Finally setting up a dedicated legal support cell to protect Kerala's GIs overseas could make a world of difference. It would give local producers the backup they need to register their products in international markets and push back against mislabelling or brand misuse something that's long overdue.

Untapped Export Potential of Kerala's GI Products

Kerala is home to some truly remarkable GI-tagged products from Malabar Pepper and

³¹⁶ Ministry of Textiles, Kasaragod GI Handloom Report (2020) (India).

³¹⁷ Spices Board, Malabar Pepper – Legal Challenges in International Branding (2022).

³¹⁸ Qualivita Foundation. (2023). The EU GI Ecosystem: Institutional Models and Export Impact.

Navara Rice to Aranmula Kannadi and Wayanad Coffee. These are premium, single-origin offerings with tremendous appeal in international wellness, gourmet, and luxury markets. Yet, despite their heritage and quality, most of these products haven't made it to global markets in a way that reflects their true value either in scale or price.

One major issue is the fragmented nature of production. Many of these GI goods are made by smallholder farmers or artisans working independently or in loosely formed cooperatives. These producers often lack the scale, supply consistency, and documentation needed to meet export requirements. That means things like uniform quality steady volumes and proper paperwork are hard to maintain. As a result, exporters have to piece together shipments from multiple intermediaries, which not only weakens traceability but also dilutes the GI's market value. For instance, Kasaragod Sarees are typically woven on just two or three looms per cluster making it nearly impossible to organize bulk exports without a federated supply chain³¹⁹.

Another major gap is the absence of a centralized, GI-focused digital trade platform. There's no single online destination where international buyers can explore Kerala's GI offerings verify their authenticity or place export orders directly. While platforms like APEDA and TRIFED feature a few products, they're not set up for full-scale digital trade or linked to GI traceability systems. Navara Rice for example is sold through Ayurvedic institutions, but global organic buyers can't access or verify it online making it tough to scale interest or trust³²⁰.

This vacuum has allowed middlemen to dominate the GI export chain. Without farmgate cold storage or direct export infrastructure, many producers depend on intermediaries to handle logistics and paperwork. These traders in turn pay lower prices remove links to the origin and often export products without correct labelling essentially erasing the GI identity. Malabar Pepper for instance is frequently routed through Vietnam or Sri Lanka and sold as generic "black pepper," stripping away both traceability and any hope of premium pricing.

The net result? Farmers and artisans in Kerala are missing out on the very benefits GI protection was meant to provide. Most GI exports remain bulk and unbranded. Producers receive only commodity prices, and overseas buyers rarely hear the story

³¹⁹ Ministry of Textiles, Government of India, Kasaragod Sarees and GI Export Readiness (2020).

³²⁰ Kerala Agricultural University, Navara Rice Commercialization Barriers, 5(2) J. Rural Enterprise 45–60 (2021)

behind the product so they don't pay a premium. Whether it's Malabar Pepper, Navara Rice or Wayanad Coffee these goods often lose their traceability and uniqueness somewhere along the supply chain, ending up on foreign shelves without the heritage they deserve.

To turn this around, Kerala needs a targeted export activation plan. First, there should be cluster-based aggregation of GI producers under district-level export cooperatives, along with shared grading, storage, and packaging hubs. These should connect with national bodies like the Spice Board, Coffee Board, and APEDA for broader market access. Second, Kerala must invest in building a dedicated GI e-export platform one that allows both B2B and B2C trade, includes traceability features, certifications, and real-time order tracking. Finally, disintermediating middlemen is key. This can be done by partnering directly with global fair-trade networks, certified buyer-seller platforms like Alibaba Gold or Etsy Wholesale, and logistics providers like DHL Go Trade or UPS's Made in India initiative.

Need for Capacity Building and Trade Literacy in Kerala's Agriculture products GI Ecosystem

Kerala's rich portfolio of Geographical Indication (GI) products from Malabar Pepper and Wayanad Robusta Coffee to Navara Rice and Kasaragod Saree offers enormous potential not only for cultural preservation but also for boosting rural livelihoods and increasing export value. Yet, despite this promise the benefits of GI registration have yet to fully materialize on the ground. The reasons are familiar low trade literacy, highly fragmented production systems, and a lack of structured institutional support after GI status is granted.

To begin unlocking this potential, Kerala needs targeted interventions across a few critical areas. First and foremost is capacity building. Many GI producers still lack basic exposure to international trade regulations such as the EU's PGI/PDO systems or knowledge of labelling, packaging, and export documentation. There's also a growing opportunity in cross-border e-commerce, but few producers are familiar with platforms like Amazon Global, Etsy, or Alibaba. District level training hubs, offered in local languages and in collaboration with agencies like APEDA, DGFT the Spices Board and

the Coffee Board could bridge this knowledge gap and bring global trade within reach for rural producers³²¹.

Another key step is addressing fragmentation through the creation of GI-specific cooperatives and federations. Organizing producers into Farmer Producer Organizations (FPOs) or artisan collectives enables greater production scale, better quality control, and more bargaining power with buyers and exporters. It also simplifies batch consolidation for exports. Institutions like NABARD and SFAC have already piloted GI-focused cluster models, which could be replicated across Kerala's major GI zones³²².

Kerala also needs to strengthen its connection with national export institutions. Although agencies like the Spices Board and Coffee Board offer vital services including branding support, testing labs, and access to global trade fairs many GI producers remain outside these formal networks. Signing MOUs between FPOs and these bodies can unlock structured support around certifications, traceability, and market linkages³²³.

A compelling case in point is Wayanad Robusta Coffee. The region already has a strong cooperative tradition, a unique agro-climatic profile, and high-quality beans grown under forest canopies. With targeted interventions like single-origin branding, improved post-harvest processing, and trade certifications such as Rainforest Alliance, Fair Trade, or Organic Wayanad Coffee could position itself alongside global legends like Yirgacheffe from Ethiopia or Narino from Colombia³²⁴.

To ensure long-term success, Kerala needs a strategic roadmap. The state could roll out a government-sponsored GI Export Readiness Toolkit, offering SOPs, audit templates, and compliance guides to ease the burden on producers. Awareness-building must go hand-in-hand, through educational campaigns and curated buyer-seller meets at both regional and global levels. At the institutional level, a Kerala GI Board could be established to oversee everything from branding and certification to legal protection and export facilitation. Organizing producers into strong GI-centric FPOs, and launching a

³²¹ Agricultural & Processed Food Products Export Development Authority, Export Infrastructure for Agri Products in Kerala: Gaps and Opportunities (2021)

³²² National Bank for Agriculture and Rural Development, FPOs and GIs: Building Market Readiness in Rural India, Occasional Paper No. 82 (2020), <https://www.nabard.org>. (10 mar 2024)

³²³ Spices Board of India, Malabar Pepper GI Value Chain and Export Constraints (2020), <https://www.indianspices.com>. (10 mar 2024)

³²⁴ Coffee Board of India, Opportunities in Specialty Coffee Exports from Wayanad Region (2022), <https://www.coffeeboard.gov.in>. (10 mar 2024)

flagship “Flavours of Kerala” campaign that highlights local stories, unique terroir, and artisanal heritage, could help elevate the global perception and pricing of Kerala’s iconic GI goods.

Opportunities for Harmonization and Policy Reform a Detailed Analysis

Bilateral Agreements and Mutual Recognition Treaties

Bilateral agreements and mutual recognition treaties are fast becoming one of the most strategic tools for India to strengthen and globalize its Geographical Indication (GI) ecosystem. As India actively negotiates Free Trade Agreements (FTAs), particularly with the European Union there's a golden opportunity to embed GI protections directly into these deals. This wouldn't just help Indian GIs get recognized faster overseas it would also lay the groundwork for a fair two-way system of protection. One of the biggest wins from such agreements is that both sides can agree on what counts as a GI and how it should be protected, making the whole process smoother and more predictable. Through FTAs India and its trade partners can agree on mutual recognition of each other's GI lists streamline administrative procedures and avoid the long delays and legal duplications that often slow down registration. For instance, India could recognize European GIs like Champagne or Parma Ham, and in return, gain automatic recognition for products like Malabar Pepper, Basmati Rice, and Wayanad Coffee in the EU's PGI/PDO system³²⁵.

Currently, gaining entry into the EU's prestigious GI register requires extensive legal documentation, producer registration, and proof of traceability. An FTA could simplify these requirements through trusted data-sharing protocols and reduced red tape. The benefit? Indian GIs could enter EU markets more quickly, with access to premium price points and built-in customs enforcement support at EU borders³²⁶.

Legal protection is another critical dimension. Once GIs are mutually recognized under a trade agreement, they receive trademark like status in the partner country. This opens the door to stronger border enforcement anti-counterfeiting action, and even access to international arbitration in case of disputes. This kind of legal backing is crucial for

³²⁵ European Commission, Overview of EU Geographical Indication Policies in FTAs (2023).

³²⁶ Agricultural & Processed Food Products Export Development Authority, India-EU FTA: Implications for GI Trade, Policy Brief Series (2022), <https://apeda.gov.in>. (10 mar 2024)

products like Darjeeling Tea, Kolhapuri Chappals and Pochampally Ikat which often face mislabeling or imitation on global e-commerce platforms.

India can also take a more assertive role in these negotiations by pushing for a “GI Equivalence Clause” a provision that ensures Indian GIs receive the same protections in partner countries that local GIs do. The European Union has already set a precedent here. The EU–Vietnam FTA, for example, includes a detailed annex recognizing 39 Vietnamese GIs, such as Phu Quoc Fish Sauce and Buon Ma Thuot Coffee³²⁷. Similarly, the EU–Japan Economic Partnership Agreement includes mutual recognition for over 200 GIs³²⁸. India should be aiming for the same, with a demand to include at least 50 to 100 Indian GIs in the EU registry, backed by enforceable legal language treating them as valuable intellectual property assets.

The EU–Vietnam agreement also offers a blueprint for India. It includes provisions for joint GI committees a public GI database, and clear enforcement obligations tools that could dramatically improve how Indian GIs are treated and protected abroad. By using this model India can turn FTAs into high impact instruments that not only boost exports but also safeguard the cultural and economic integrity of its GI heritage.

Institutional Strengthening in India’s GI Ecosystem

India has registered more than 450 Geographical Indications (GIs), yet only a handful of these have translated into real economic visibility or impact in global markets. The current system, which focuses heavily on registration, now needs a serious shift toward policies that prioritize trade outcomes, cultural heritage, and the well-being of producers. It’s time to move from symbolic recognition to a results-oriented GI strategy.

A great starting point would be the creation of dedicated GI Export Promotion Cells under the Ministry of Commerce. These units could build tailored export plans for specific GI clusters, help with buyer mapping and trade data, and act as liaisons with Indian trade missions abroad to negotiate GI recognition in key markets. They could also take charge of organizing India’s presence at global trade fairs like SIAL, Anuga, or the Dubai Expo. At present, GI promotion is loosely folded into broader bodies like

³²⁷ Delegation of the European Union to Vietnam, EU–Vietnam Free Trade Agreement: Geographical Indications Chapter (2020), <https://eeas.europa.eu>. (10 mar 2024)

³²⁸ European Commission, EU–Japan Economic Partnership Agreement: GI Protection List (2021), <https://ec.europa.eu/trade>. (10 mar 2024)

APEDA or Textiles Export Councils, which often lack the resources or focus to make a real impact³²⁹.

Next, India's flagship economic programs like Make in India, ODOP (One District One Product), and the PMFME scheme should be retooled to give GI clusters a central role. GI-tagged handicrafts and food items could be highlighted as rural MSME success stories. ODOP could use GI products as its anchor offerings, co-branding them for broader reach. FPOs and SHGs working with GI products could be given fast-track access to food processing and branding support. These integrations would ensure that infrastructure development, skill building and marketing investments directly reach GI communities.

Legal enforcement also needs to be faster and more specialized. GI disputes are currently handled in general IP courts often leading to years of procedural delays. Setting up specialized GI benches or fasttrack tribunals with expertise in cultural heritage law could drastically improve enforcement. Additionally, a unified GI enforcement protocol for customs, local police and marketplaces similar to what's already used for copyright under DIPP would help curb infringement more effectively. The decade-long legal battle between the Tea Board of India and ITC over the Darjeeling label shows just how badly such reform is needed³³⁰.

Digital innovation can also play a crucial role. Technologies like blockchain, QR codes, and digital traceability platforms can authenticate GI products, track them from origin to shelf, and create a rich storytelling experience for consumers. States like Telangana and Maharashtra have already tested blockchain with cotton and turmeric, and this approach can easily be adapted for Kerala's GI coffee, spices, or handlooms³³¹.

Kerala, with its unique and diverse GI landscape ranging from Malabar Pepper and Wayanad Coffee to Aranmula Kannadi and Navara Rice is perfectly placed to lead the way. A Kerala GI Authority could be set up to bring together departments like agriculture, handicrafts, commerce, and tourism. This body could build tourism-linked branding strategies (think spice trails and craft villages), anchor GI-based export hubs

³²⁹ Ministry of Commerce & Industry. (2022). Export Potential of GI Products: Policy Brief by DGFT Taskforce. <https://commerce.gov.in>(10 mar 2024)

³³⁰ Tea Bd. of India v. ITC Ltd., G.A. No. 2605 of 2009, Cal. H.C. (India).

³³¹ NITI Aayog, Blockchain Use in Indian Agriculture Supply Chains (2021), <https://niti.gov.in>.(10 mar 2024)

in Kochi or Wayanad, and serve as a one-stop hub for GI governance³³². If successful, this integrated model could serve as a national blueprint for how India manages, promotes, and protects its vast GI heritage.

Capacity Building and Certification Support

Empowering India's GI producer communities particularly in states like Kerala is about much more than boosting exports. It's also about preserving centuries old knowledge systems protecting cultural authenticity and ensuring that the people behind these heritage products receive their fair share of value. For these goals to be realized a series of targeted institutional interventions are needed ones that focus on building capacity, easing compliance, and strengthening branding and market access.

One promising approach is to establish joint India EU Certification Collaboration Labs. Many of the EU's export requirements ranging from sanitary and phytosanitary (SPS) testing to sustainability and residue certifications, as well as complex labeling norms pose significant hurdles for small GI producers. By setting up certification labs in partnership with APEDA, FSSAI, and EU agencies India can provide localized fast-track testing and documentation services for GI-tagged agricultural exports. These labs could function out of proposed GI Export Hubs in key Kerala districts like Kochi and Palakkad, reducing reliance on expensive third-party labs abroad and speeding up time to market³³³.

Training is equally critical. Many Farmer Producer Organizations (FPOs) Self-Help Groups (SHGs) and cooperatives simply aren't familiar with EU packaging standards, multilingual labeling rules or ethical branding practices. Government-led or donor-supported capacity-building efforts can help bridge this gap by offering modular workshops focused on PGI/PDO compliance. Toolkits could include templates for traceability, QR-code integration and storytelling techniques that help consumers connect with the product's origin. This kind of practical, hands-on support has already

³³² Kerala Department of Industries, Draft Proposal for Kerala GI Authority and Integrated Export Hubs (2023)

³³³ Agricultural & Processed Food Products Export Development Authority, Proposal for Integrated Agri Export Labs for GIs, Internal Policy Brief, Ministry of Commerce (2022), <https://apeda.gov.in>. (10 mar 2024)

shown success in similar programs run by the Coffee Board and Spices Board in Karnataka and Kerala³³⁴.

Decentralized GI support infrastructure is also vital. Establishing GI-specific incubation centers at the district level would give producer groups direct access to legal guidance, branding support, and e-commerce onboarding. These hubs could help with everything from packaging design to IP protection and digital platform integration for sites like Etsy, Meesho, or Amazon Global. Anchoring such centres within existing state industrial parks or rural agri clusters would bring high-impact services closer to the ground and align them with MSME and Startup India frameworks³³⁵.

Lastly, Kerala's GI ecosystem is deeply rooted in traditional agroecology, giving its products a natural edge in today's sustainability-focused trade landscape. Many of its GIs like Navara Rice, used in Ayurvedic therapies; Wayanad Coffee, grown in multi-tier forest canopies; and Vazhakulam Pineapple, cultivated pesticide free already align with the principles of biodiversity, low-input farming, and climate resilience. With the right certifications and market positioning, these products can earn green trade incentives³³⁶ and price premiums in global wellness and gourmet markets.

Conclusion

The European Union's GI framework is often considered the gold standard globally bringing together legal protection, export facilitation, quality control and sustainability into one well integrated system³³⁷. India, by contrast has built a GI model grounded in cultural richness and legal inclusivity, yet continues to face significant hurdles when it comes to real world execution. Implementation gaps, weak post-registration support, and fragmented enforcement systems have kept many of India's most valuable GI assets from reaching their full potential.

Kerala serves as a case in point. Despite having high-value, globally recognized GIs like Wayanad Robusta Coffee, Navara Rice, and Malabar Pepper each rooted in agroecological uniqueness and traditional knowledge these products remain

³³⁴ Spices Board of India, Capacity Building Initiatives in GI-Tagged Spice Clusters (2021), <https://www.indianspices.com>. (10 mar 2024)

³³⁵ MSME Ministry. (2023). Cluster Development Strategy for Traditional Sector Startups. <https://msme.gov.in>

³³⁶ NITI Aayog, Traditional Knowledge Systems and Biodiversity-Based Value Chains in India (2021), <https://niti.gov.in>. (10 mar 2024)

³³⁷ European Commission, EU GI Policy: Global Leadership in Origin-Based Branding (2023), <https://ec.europa.eu>. (10 mar 2024)

underrepresented in global markets. The challenges are layered regulatory misalignment with international trade standards scattered institutional responsibilities and a lack of producer level awareness and export preparedness all play a role.

To truly unlock the potential of India's GIs, a more strategic coordinated effort is needed. First India must prioritize the inclusion of GI provisions in bilateral trade agreements like the ongoing EU–India FTA. Mutual recognition would ease registration hurdles fast-track access to EU markets and offer legal protections for Indian GIs abroad³³⁸. Second, the institutional ecosystem needs a major upgrade. This means setting up dedicated certification labs, legal enforcement tribunals and GI-focused export promotion boards to ensure these products are backed by infrastructure that supports their market journey from farm to foreign shelf.

At the producer level, investments in training, certification ecosystems, and cooperative development are key. Helping GI producer groups form strong collectives, access compliance support, and adopt traceability and branding tools will dramatically increase their export readiness and global competitiveness. Incubation hubs and capacity-building programs should be tailored to these needs, especially in states like Kerala that already have strong GI portfolios.

India is at a pivotal moment one where it can align global best practices in GI governance with its own rich heritage and biodiversity. By bridging this global local divide India has the opportunity to do more than just protect cultural identity it can create inclusive growth, uplift rural livelihoods and embed traditional knowledge systems into modern value chains. If done right GIs can evolve from being static legal tags to powerful economic tools supporting cultural diplomacy green trade and rural development rooted in place, people, and pride.

³³⁸ Ministry of Commerce & Industry, Draft Roadmap for GI Institutional Reform (2022), [\(10 mar 2024\)](https://commerce.gov.in)

Chapter 7

Analysis of Judicial Interpretations and Case Laws

The Role of Courts in Protecting Geographical Indications: Lessons from India and the EU

The judiciary occupies a pivotal position in the interpretation, enforcement, and evolution of Geographical Indication (GI) frameworks. Judicial decisions often serve as the final arbiters of contested claims resolving ambiguities in statutory provisions and providing authoritative guidance for future cases. By interpreting legislative intent and balancing competing interests such as regional rights consumer protection and market access courts contribute significantly to the robustness and adaptability of GI regimes³³⁹.

In both India and the European Union (EU), courts have played transformative roles in delineating the contours of GI protection. In India, the judiciary has helped clarify the procedural and substantive requirements under the Geographical Indications of Goods (Registration and Protection) Act, 1999³⁴⁰, often stepping in to resolve disputes concerning misappropriation, overlapping claims, and the scope of protection³⁴¹. The *Darjeeling Tea* case, for instance, is emblematic of India's assertion of GI rights internationally, where Indian courts and the Tea Board of India actively pursued unauthorized usage in global markets³.

Similarly, the European Court of Justice (ECJ) has been instrumental in shaping GI jurisprudence within the EU. Landmark decisions such as *Consorzio del Prosciutto di Parma and Salumificio S. Rita SpA v. Asda Stores Ltd and Hygrade Foods Ltd* (2003)³⁴² affirmed the protection of registered GIs against indirect usage or evocation in third countries, even where confusion is not evident. The ECJ has further emphasized the *consumer association* test, establishing that GIs must be safeguarded not only against

³³⁹ Dwijen Rangnekar, *The Socio-Economics of Geographical Indications: A Review of Empirical Evidence from Europe*, UNCTAD–ICTSD Project on IPRs & Sustainable Dev. (2004).

³⁴⁰ The Geographical Indications of Goods (Registration and Protection) Act, No. 48 of 1999, India Code (2003)

³⁴¹ S. Kumar, *Judicial Dimensions of Geographical Indications in India*, 24 J. Intell. Prop. Rts. 112 (2019).

³⁴² Case C-108/01, *Consorzio del Prosciutto di Parma & Salumificio S. Rita SpA v. Asda Stores Ltd. & Hygrade Foods Ltd.*, 2003 E.C.R. I-5121 (ECJ).

imitation but also from any practice that could mislead or exploit the reputation of protected names³⁴³.

These judicial interventions underscore the evolving nature of GI protection, especially when confronting transnational enforcement, digital marketplaces, and cultural appropriation. For Kerala, which is home to a diverse range of GI products such as *Aranmula Kannadi*, *Navara rice*, and *Wayanadan turmeric* judicial precedents provide vital lessons. They illustrate the necessity of vigilant enforcement, the importance of clarity in product specifications, and the value of community-led legal activism to protect regional heritage³⁴⁴.

Moreover, judicial pronouncements in both jurisdictions reveal common challenges: the tension between traditional knowledge and modern commercialization the need for procedural harmonization, and the balancing of trade interests with cultural identity³⁴⁵. Kerala can particularly benefit by studying how European producer groups have leveraged collective legal mechanisms and how Indian courts have begun to emphasize equitable access to GI benefits³⁴⁶.

In conclusion, judicial engagement not only enhances the interpretative clarity of GI laws but also functions as a bulwark against misuse and misrepresentation. As GI frameworks become more critical in global trade and rural development, courts will remain essential to maintaining the integrity and value of these intellectual property rights, especially in culturally rich regions like Kerala.

Landmark Indian Judgments on Geographical Indications

India's judiciary has played a key role in shaping and reinforcing the legal protections for Geographical Indications (GIs). By interpreting legal provisions and settling disputes Indian courts have helped define what GIs protect and how far that protection extends. Several landmark cases highlight how the Indian legal system has responded to the challenges and opportunities in the evolving GI landscape.

³⁴³ Case C-87/97, *Consorzio per la tutela del formaggio Gorgonzola v. Käse-Marketing GmbH*, 1999 E.C.R. I-1301.

³⁴⁴ N.S. Gopalakrishnan & T.G. Agitha, *Exploring the Relationship Between Geographical Indications and Traditional Knowledge*, ICTSD (2007).

³⁴⁵ K. Das, *Protection of Geographical Indications: An Overview of Select Issues with Particular Reference to India*, Ctr. for WTO Stud. (2009).

³⁴⁶ L.R. Nair, *Kerala's GI Ecosystem: Lessons from Judicial Precedents and Policy Gaps*, 17 *Ker. L.J.* 85 (2021).

Tea Board of India v. ITC Ltd., Calcutta High Court (2011)

In the landmark case of *Tea Board of India v. ITC Ltd.* (2011)³⁴⁷, the Calcutta High Court addressed the unauthorized use of the term “Darjeeling” by ITC Ltd., which had named its premium tea lounges “Darjeeling Lounge.” The Tea Board of India, as the registered proprietor of the GI “Darjeeling Tea,” argued that such usage could mislead consumers and dilute the distinct identity of the GI, even though the lounges did not necessarily serve Darjeeling Tea. The court acknowledged the cultural and commercial significance of the GI and held that exploiting the reputation of “Darjeeling” in services unrelated to the actual product could still amount to infringement. This judgment expanded the scope of GI protection in India, recognizing that indirect use or brand association especially when it capitalizes on the GI’s reputation can undermine its exclusivity and market identity. It set a critical precedent for guarding GIs against non-traditional forms of misuse including in the service and branding sectors.

Khoday Distilleries Ltd. v. Scotch Whisky Association, Supreme Court of India (1999)

The Supreme Court of India’s 1999 judgment in *Khoday Distilleries Ltd. v. Scotch Whisky Association*³⁴⁸ marked a defining moment in the development of Geographical Indication (GI) protection in India. The case arose when Khoday Distilleries an Indian liquor manufacturer marketed a whisky product using the term “Scotch Whisky.” The Scotch Whisky Association (SWA) objected, arguing that this term, recognized globally as a GI, referred exclusively to whisky produced in Scotland under specific traditional methods and regulations. The Court upheld the SWA’s claim ruling that “Scotch Whisky” constituted a protected GI and that its use by an Indian company on locally produced spirits was misleading and amounted to passing off. This misrepresentation the Court held could deceive consumers and exploit the established reputation of Scottish whisky producers. Significantly the Court recognized the legitimacy of foreign GIs in India, even before the Geographical Indications of Goods (Registration and Protection) Act, 1999 came into force. The Court’s decision emphasized the importance of honest geographical labeling in business tying it closely to the principles outlined in the TRIPS Agreement especially Articles 22 and 23. This landmark ruling not only established a legal standard for future disputes involving geographical indications both

³⁴⁷ Tea Bd. of India v. ITC Ltd., G.A. No. 2669 of 2010 (Cal. HC 2011)

³⁴⁸ Khoday Distilleries Ltd. v. Scotch Whisky Ass’n, A.I.R. 2000 S.C. 809 (India).

domestic and international but also underscored India's commitment to protecting consumers promoting fair trade and aligning with global intellectual property norms.

Pokkali Rice Producers Society v. Registrar of Geographical Indications, GI Registry (2013)

The 2013 case of *Pokkali Rice Producers Society v. Registrar of Geographical Indications*³⁴⁹ marked a significant development in India's approach to recognizing traditional agricultural knowledge and community-based claims under its GI framework. Pokkali rice an ancient and saline resistant variety cultivated in the coastal fields of Kerala is not only known for its resilience but also for its integration with local ecological practices such as alternating rice farming with prawn cultivation. When the Pokkali Rice Producers Society applied for GI registration the Registrar initially objected citing procedural shortcomings inadequate historical documentation and concerns about representational inclusivity. However, the final judgment ruled in favor of the society acknowledging that Pokkali rice is a product of centuries old traditional practices and community stewardship. The Registry emphasized that while procedural rigour is important it should not override the core objective of the GI Act namely the protection and promotion of cultural and agricultural heritage.

The registration was ultimately granted with some conditions including enhanced documentation and broader representation. This case underscored the importance of procedural flexibility when dealing with grassroots producer groups and highlighted the value of traditional ecological knowledge (TEK)³⁵⁰ in defining the uniqueness of GI products. It served not only as a legal victory but also as a symbolic affirmation of indigenous farming practices and rural resilience in the face of urbanization and climate change. Furthermore, it set a precedent for future claims involving ecologically unique products such as Basmati, Makhana and Black Rice especially where conventional forms of evidence may be limited but cultural authenticity is strong.

European Union's Approach to GI Disputes

The European Union (EU) has established one of the most advanced and rigorously enforced legal systems for the protection of Geographical Indications (GIs) globally.

³⁴⁹ Souvik Roychoudhury, *Geographical Indications and Challenges in India — A Study*, 4 Jus Corpus L.J. 183198 (2024)

³⁵⁰ Fikret Berkes, *Sacred Ecology: Traditional Ecological Knowledge and Resource Management* 3–4 (2d ed. 2008).

Central to this framework are the Protected Designation of Origin (PDO)³⁵¹, Protected Geographical Indication (PGI) and Traditional Speciality Guaranteed (TSG)³⁵² labels, which are codified under Regulation (EU) No 1151/2012³⁵³. The regulation establishes criteria for the registration and protection of Geographical Indications (GIs) to preserve traditional production methods, safeguard regional identities and promote fair competition. It ensures that products with these labels have qualities or reputations linked to their geographic origin and traditional practices. Judicial interpretation by the European Court of Justice (ECJ)³⁵⁴ and various national courts has been instrumental in resolving disputes especially in cross-border cases where producers or retailers outside the region attempt to capitalize on protected names. The courts have consistently reinforced the importance of maintaining the authenticity and distinctiveness of registered GIs, often ruling against misleading branding, evocation or imitation even in the absence of direct consumer confusion. Notably, these rulings have helped solidify a strict standard of GI protection that not only supports regional economies and heritage but also assures consumers of the origin and quality of the products they purchase. The EU's GI framework has thus become a model for international IP regimes and continues to shape global discussions around cultural identity, trade, and food sovereignty.

Consorzio del Prosciutto di Parma v. Asda Stores Ltd., ECJ (2003)

In the 2003 case of *Consorzio del Prosciutto di Parma v. Asda Stores Ltd*³⁵⁵, the European Court of Justice (ECJ) addressed a critical issue regarding the integrity of Protected Designation of Origin (PDO) goods within the EU. The dispute arose when Asda Stores Ltd., a UK-based supermarket chain, began slicing and repackaging Prosciutto di Parma outside the designated production region in Italy, while continuing to market it under the PDO label. The Consorzio, representing producers of authentic Parma ham, challenged this practice arguing that it undermined the strict geographical and procedural requirements of the PDO. The ECJ ruled in favor of the Consorzio affirming that repackaging PDO products outside the region of origin violated EU law. The Court emphasized that all stages of production, including slicing and packaging

³⁵¹ Regulation (EU) No. 1151/2012, art. 5(1), 2012 O.J. (L 343) 1, 5.

³⁵² Regulation (EU) No. 1151/2012, art. 3(2), 2012 O.J. (L 343) 1, 4.

³⁵³ Regulation (EU) No. 1151/2012 of the European Parliament and of the Council of 21 Nov. 2012 on Quality Schemes for Agricultural Products and Foodstuffs, 2012 O.J. (L 343) 1

³⁵⁴ Case C-108/01, *Consorzio del Prosciutto di Parma v. Asda Stores Ltd.*, 2003 E.C.R. I-5121 (ECJ).

³⁵⁵ Case C-108/01, *Consorzio del Prosciutto di Parma v. Asda Stores Ltd.*, 2003 E.C.R. I-5121.

must occur within the defined geographical area to preserve the product's authenticity and ensure consumer trust. The ruling emphasized strict compliance with the PDO system and highlighted the significance of geographical origin in both product creation and presentation. It established a strong precedent for enforcing GI protections in the EU thereby strengthening the credibility and effectiveness of the Union's quality scheme framework.

Camembert de Normandie Case, French National Courts & ECJ Influence

The *Camembert de Normandie* case³⁵⁶, adjudicated by French national courts with reference to European PDO principles, addressed the misuse of the name “Camembert” by producers outside Normandy. These producers attempted to circumvent the Protected Designation of Origin (PDO) regulations by labelling their products as “Camembert fabriqué en Normandie,” implying regional authenticity without fully adhering to the traditional methods or origin requirements. The courts ruled that only cheese produced and matured in Normandy using historically recognized techniques could be marketed under the name “Camembert de Normandie.” This judgment reinforced the PDO system by underlining the dual importance of geographical origin and traditional production methods in qualifying for GI protection. The ruling helped protect the cultural integrity of PDO (Protected Designation of Origin) products preventing deceptive branding and ensuring consumers are not misled. It played a key role in preserving the exclusivity and identity of these goods aligning with the EU's commitment to safeguarding local heritage and promoting transparent food labelling practices.

Commission v. Germany, Denmark, and France (Feta Cheese Dispute), ECJ (2005)

The long-standing dispute over the use of the name “Feta”³⁵⁷ by Denmark, Germany, and France sparked a major legal battle that reached the European Court of Justice (ECJ) ultimately reinforcing the foundational principles of the EU's Geographical Indication (GI) framework. Concerned that the name was being used for cheese not produced in Greece the European Commission formally challenged this practice,

³⁵⁶ INAO v. Societe Fromagerie RichesMonts, Tribunal de grande instance [T.G.I.] de Paris, May 2006 (Fr.).

³⁵⁷ C-465/02 & C-466/02, Germany & Denmark v. Commission, 2005 E.C.R. I-9115.

arguing that it diluted the authenticity and protected status of a product deeply rooted in Greek tradition.

They argued that this practice undermined the Protected Designation of Origin (PDO) status which is crucial for Greek producers. The European Court of Justice (ECJ) ultimately ruled in favor of Greece recognizing “Feta” as a traditional product with deep cultural and historical roots in specific Greek regions. This decision underscored the importance of safeguarding regional food identities affirming that such names are more than just labels they reflect heritage, tradition and authenticity that deserve strong legal protection. The Court held that the name “Feta” cannot be used generically within the EU and it must be reserved exclusively for cheese meeting the strict geographic and production criteria laid out in its PDO registration. The judgment highlights the importance of protecting Geographical Indications (GIs) by affirming their connection to regional heritage and identity.

The ruling establishes a clear precedent against the generic use of culturally significant product names in the EU protecting consumers from misleading information about product origins. This strengthens genuine producers and supports the EU’s goal of preserving rich food traditions linked to specific regions.

Comparative Perspectives on Judicial Interpretation of Geographical Indications

The interpretation and enforcement of Geographical Indications (GIs) differ considerably across jurisdictions influenced by distinct legal traditions institutional frameworks and socio-economic realities. This section offers a comparative analysis of judicial approaches in India and the European Union (EU), focusing on three key areas the scope and strength of enforcement mechanisms the level of public and producer awareness and accessibility to GI systems and the handling of cross-border disputes involving GI protection.

Scope and Enforcement

In India, the judiciary has taken an active role in shaping the interpretation of GI laws, with a strong emphasis on protecting traditional knowledge, cultural heritage, and consumer rights. Through landmark decisions like the *Darjeeling Tea*³⁵⁸ and *Scotch*

³⁵⁸ Tea Board of India v. ITC Ltd., No. CS/737/2010, Calcutta High Court (2011)

*Whisky*³⁵⁹ cases courts have helped define the scope and ownership of GIs reinforcing their significance not just as economic tools but as markers of identity and authenticity rooted in community and history. However, enforcement remains a challenge due to systemic issues like slow legal processes limited inspection infrastructure and uneven regulatory practices across states³⁶⁰.

In contrast, the European Union benefits from a harmonized and mature legal framework particularly through Regulation (EU) No 1151/2012³⁶¹, which outlines comprehensive procedural and substantive rules for GI protection. EU courts work within an integrated judicial and administrative system that allows for efficient cross-border coordination. Cases like *Prosciutto di Parma* and *Feta Cheese*³⁶² highlight the EU's strong enforcement capacity supported by effective border controls and active oversight by the European Commission ensuring that GI protections are consistently applied and upheld across member states.

India's Geographical Indications: Challenges in Awareness and Accessibility

Despite the enactment of the Geographical Indications of Goods (Registration and Protection) Act, 1999 India continues to face considerable challenges in the dissemination of awareness about GIs among small-scale producers and traditional artisans. Many rural producers including farmers, weavers, and craftspeople remain unaware of the benefits and legal rights conferred by GI registration. As a result, GI tags are often underutilized and the communities associated with these products fail to derive adequate economic returns or legal protection³⁶³.

For instance, GI-tagged products like Pokkali rice from Kerala and Kashmiri Pashmina are celebrated for their distinctive qualities and deep cultural roots. Yet the local communities that produce them often struggle to fully benefit from these tags in the market³⁶⁴. Limited marketing infrastructure absence from mainstream value chains, and

³⁵⁹ Khoday Distilleries Ltd. v. Scotch Whisky Ass'n, (2008) 10 SCC 723 (India).

³⁶⁰ Kasturi Das, Protection of Geographical Indications: An Overview of Select Issues with Particular Reference to India, Ctr. for Trade & Dev. Working Paper No. 8 (2007),

³⁶¹ Regulation (EU) No. 1151/2012 of the European Parliament and of the Council of 21 Nov. 2012 on Quality Schemes for Agricultural Products and Foodstuffs, 2012 O.J. (L 343) 1.

³⁶² Case C-108/01, Consorzio del Prosciutto di Parma & Salumificio S. Rita SpA v. Asda Stores Ltd. & Hygrade Foods Ltd., 2003 E.C.R. I-5121 (ECJ).

³⁶³ K. Das, Prospects and Challenges of Geographical Indications in India (Centre for WTO Studies, 2010),

³⁶⁴ S. Menon, From Tag to Market: GI Protection and the Case of Pokkali Rice, 53 Econ. & Pol. Wkly. (EPW) (2018).

inability to access legal aid contribute to their exclusion from GI-related economic benefits³⁶⁵.

Additionally, institutional outreach from government agencies and NGOs remains sporadic and insufficient. While various ministries and state departments have launched awareness campaigns these efforts rarely reach the grassroots levels where they are most needed³⁶⁶. Language barriers low literacy rates, and bureaucratic complexities further alienate small producers from GI registration processes³⁶⁷. Even when GI protection is obtained, weak enforcement owing to legal delays and financial constraints undermines the utility of the tag in deterring imitation or exploitation³⁶⁸.

European Union: A Structured Ecosystem for GI Accessibility

In contrast the European Union (EU) has developed a highly structured and well-integrated system for the registration, promotion and protection of GIs. Anchored by EU Regulation No. 1151/2012³⁶⁹ on quality schemes for agricultural products and foodstuffs the European GI framework emphasizes legal clarity, institutional support and producer involvement. In the EU, GIs are more than just identifiers they are powerful tools for rural development, sustainability and cultural preservation.

The EU system includes producer groups that manage and oversee geographical indications (GIs). These groups promote their products and legally protect them from misuse or imitation³⁷⁰. Such structures facilitate regular training capacity building workshops and marketing initiatives ensuring that even small farmers and producers can benefit from GI recognition. The EU provides accessible legal avenues for resolving disputes by combining administrative processes with judicial options resulting in outcomes that are both efficient and enforceable³⁷¹. Registered producer groups also benefit from public funding and legal aid making it financially viable for them to take

³⁶⁵ N. Kumar, Kashmiri Pashmina: A GI Struggles for Identity and Protection, 26 J. Intell. Prop. Rts. 120 (2021).

³⁶⁶ S. Chaturvedi & C. Ravi, Strengthening Institutions for GI Promotion in India (RIS Discussion Paper No. 181, 2012).

³⁶⁷ D. Srivastava, Legal Pluralism and GI Governance in India, 22 J. World Intell. Prop. 256 (2019).

³⁶⁸ J. Watal, Intellectual Property Rights in the WTO and Developing Countries (Oxford Univ. Press 2001).

³⁶⁹ Regulation (EU) No. 1151/2012 of the European Parliament and of the Council of 21 Nov. 2012 on Quality Schemes for Agricultural Products and Foodstuffs, 2012 O.J. (L 343) 1.

³⁷⁰ G. Belletti, A. Marescotti & J.M. Touzard, Geographical Indications, Public Goods, and Sustainable Development, 98 World Dev. 45 (2017).

³⁷¹ F. Addor & A. Grazioli, Geographical Indications Beyond Wines and Spirits: A Roadmap for a Better Protection for Geographical Indications in the WTO TRIPS Agreement, 5 J. World Intell. Prop. 865 (2002).

legal action when needed. These built-in supports encourage greater involvement from producers and help ensure that GI protections are used effectively.

India's Challenges in Protecting GIs Across Borders

India's ability to protect its Geographical Indications (GIs) in foreign jurisdictions is currently constrained by a combination of legal, diplomatic, and institutional challenges. While India has enacted a comprehensive domestic GI law the Geographical Indications of Goods (Registration and Protection) Act, 1999 its cross-border enforcement framework remains underdeveloped.

The lack of Mutual Recognition Agreements (MRAs) with major trading partners means that many iconic Indian products such as Banarasi Sarees, Basmati Rice, and Pochampally Ikat face the risk of imitation and misappropriation in overseas markets³⁷². Although India has achieved limited success, such as obtaining protection for Darjeeling Tea in the European Union under a bilateral arrangement, these instances remain outliers rather than evidence of systemic progress.

A significant barrier is India's hesitancy or delay in including comprehensive GI chapters in its Free Trade Agreements (FTAs). For instance, despite ongoing negotiations with countries like the UK and the European Union India has been slow to integrate strong GI clauses into these deals often prioritizing tariff concerns over intellectual property rights³⁷³. Consequently, many Indian GIs lack formal protection outside the national territory and are vulnerable to infringement, dilution and unauthorized use.

Furthermore, India has limited international litigation experience when it comes to GI enforcement. There is no dedicated institutional body tasked with monitoring and defending Indian GIs globally nor is there a specialized legal fund or mechanism to pursue cross border GI violations³⁷⁴. These systemic weaknesses hamper the ability of

³⁷² S. Wagle, Challenges in Cross-border Enforcement of GIs: The Indian Experience, 7 Indian J. Intell. Prop. L. 67 (2015).

³⁷³ S. Chaturvedi, The Missing GI Chapters in India's FTAs: Strategic Neglect? (RIS Policy Brief No. 93, 2021).

³⁷⁴ M. Bansal, Can India Protect Its GI Heritage Abroad? 27 J. Intell. Prop. Rts. 1 (2022).

Indian stakeholders to enforce rights or even be aware of infringement cases occurring abroad³⁷⁵.

European Union: Global Leadership in GI Diplomacy and Enforcement

In stark contrast the European Union (EU) has emerged as a global leader in the international protection of GIs. The EU's proactive trade policy has resulted in extensive GI protection clauses being included in nearly all of its modern FTAs. Notable agreements such as the Comprehensive Economic and Trade Agreement (CETA) with Canada the EU-Japan Economic Partnership Agreement (EPA) and deals with South Korea, Vietnam and others include explicit and enforceable provisions for mutual recognition and protection of hundreds of European GIs.

These agreements provide legal protections for GI names in the partner countries, ensuring that EU producers can take legal action against infringements abroad. In CETA for instance over 140 European GIs are protected within Canada offering robust market access and legal standing³⁷⁶. The EU also leverages its influence in global fora such as the World Trade Organization (WTO) and the World Intellectual Property Organization (WIPO) to set international norms and push for stronger global GI regimes. The Geneva Act of the Lisbon Agreement which strengthens the international recognition of GIs was significantly shaped by EU negotiations and advocacy.

Moreover, the EU has developed institutional support mechanisms, including GI observatories, legal databases and cross-border enforcement teams that actively track infringement and assist producers in filing complaints. The EUIPO (European Union Intellectual Property Office) and national agencies coordinate to ensure streamlined protection across member states and internationally. This holistic, multi-layered approach allows EU GIs not only to enjoy global brand recognition but also to be legally defended in a wide range of jurisdictions often faster and more efficiently than their Indian counterparts.

³⁷⁵ D. Srivastava, GI Protection and Enforcement: Gaps in India's External Strategy, 22 J. World Intell. Prop. 293 (2019).

³⁷⁶ D. Giovannucci, E. Barham & R. Pirog, Defining and Marketing "Local" Foods: Geographical Indications for Value-Added Food Products, 25 Renewable Agric. & Food Sys. 46 (2010).

Implications for Kerala's GI Products

Kerala is home to a wide array of Geographical Indication (GI) products from *Aranmula Kannadi* (metal mirrors) and *Munnar Tea* to *Navara Rice* and *Wayanad Robusta Coffee*. These products deeply embedded in the state's culture and economy face challenges in enforcement, awareness, and market penetration. Judicial experiences and international best practices, especially from the EU, offer key insights to elevate the performance of Kerala's GIs.

Strengthening GI Enforcement: Learning from the European Union

The European Union (EU) has developed a strong and well-structured system for enforcing Geographical Indications (GIs) which effectively limits misuse and enhances the commercial value of GI-tagged products. This enforcement is grounded in a comprehensive legal framework particularly EU Regulation No. 1151/2012³⁷⁷ which sets out clear rules for labelling, inspections and protection of GIs³⁷⁸. One of the key strengths of the EU model is centralized monitoring, where national authorities and producer groups conduct regular audits to ensure products meet the registered standards³⁷⁹. In addition, border enforcement is robust customs authorities use a shared database known as COPIS³⁸⁰ to detect and stop counterfeit GI goods at entry points. Strict labelling laws further reinforce protection, prohibiting even indirect references to protected GIs; for example, using terms like "Champagne-style" for unrelated sparkling wines is considered infringement³⁸¹. The legal system also supports GI enforcement, with the European Court of Justice affirming that even non-misleading references can violate GI rules, as seen in the landmark case *Comite Interprofessionnel du Vin de Champagne v. Aldi*³⁸². Together these enforcement mechanisms create a strong deterrent against GI misuse both within the EU and in countries that have mutual GI

³⁷⁷ Regulation (EU) No. 1151/2012 of the European Parliament and of the Council of 21 November 2012 on Quality Schemes for Agricultural Products and Foodstuffs, 2012 O.J. (L 343) 1.

³⁷⁸ European Commission, Regulation (EU) No. 1151/2012 on Quality Schemes for Agricultural Products and Foodstuffs, 2012 O.J. (L 343) 1 (Dec. 14, 2012),

³⁷⁹ G. Belletti, A. Marescotti & J.M. Touzard, Geographical Indications, Public Goods, and Sustainable Development, 98 World Dev. 45 (2017).

³⁸⁰ European Anti-Fraud Office (OLAF), Combating Counterfeiting through COPIS (2020), available at <https://ec.europa.eu/anti-fraud/copis>.

³⁸¹ Addor, F., & Grazioli, A. (2002). "Geographical Indications Beyond Wines and Spirits." *Journal of World Intellectual Property*, 5(6), 865–897.

³⁸² European Court of Justice, *Comité Interprofessionnel du Vin de Champagne v. Aldi*, Case C-59/08 (2009),

recognition agreements allowing producers to defend their rights with consistency and confidence.

Implication for Kerala: Toward a State-Level GI Enforcement Framework

Kerala, known for its diverse range of GI-tagged products such as Malabar Pepper, Wayanadan Jeerakasala Rice, and Aranmula Kannadi, has much to gain from developing a robust state-level GI enforcement framework. Despite this potential, enforcement efforts in the state remain fragmented, with limited awareness among customs officials, law enforcement agencies, and the retail sector³⁸³. To address these challenges, Kerala could benefit from establishing a dedicated GI Enforcement Task Force comprising legal experts, IP professionals, and representatives from the Departments of Agriculture and Industries, along with members of local producer groups. Collaboration with the Central Board of Indirect Taxes and Customs (CBIC) is also essential to monitor GI violations in trade consignments. Moreover, partnering with major e-commerce platforms like Amazon, Flipkart, and Snapdeal could help in identifying and removing counterfeit listings at an early stage. Legislative backing is equally important; Kerala can advocate for amending national GI laws to introduce stricter penalties, or alternatively, introduce state-level guidelines to reinforce GI protection. Drawing inspiration from the EU's labelling rules such as those outlined in the Champagne case (C-59/08)³⁸⁴ Kerala can work toward banning suggestive branding or packaging that could mislead consumers. Implementing such measures would not only enhance legal protection but also boost the market value of Kerala's unique GI products, making them more competitive both nationally and internationally³⁸⁵.

Boosting Producer Awareness in GI Governance: A Lesson from the EU

One of the key strengths of the European Union's approach to Geographical Indications (GIs) is how much it relies on producers themselves. In the EU, producer networks don't just help bring in profits they also play a vital role in protecting the legal rights tied to GIs. Take the Parmigiano Reggiano Consortium in Italy, for instance. It brings

³⁸³ Nair, L. (2021). "GI Tags in Kerala: A Case of Underutilized Potential." *Kerala Development Review*, 15(1), 88–101.

³⁸⁴ Case C-59/08, *Comite Interprofessionnel du Vin de Champagne v. Aldi Süd Dienstleistungs-GmbH & Co. OHG*, 2010 E.C.R. I-3771 (ECJ).

³⁸⁵ Menon, S. (2023). "Labeling and Evocation: Lessons for Indian GI Governance." *Journal of Law and Policy*, 18(2), 55–72.

together more than 300 dairy producers, working as a team to handle everything from marketing and branding to quality control and legal enforcement³⁸⁶.

What really sets these groups apart is their focus on legal education. They make sure that even small-scale farmers understand their rights, how to respond when those rights are violated, and how collective action can benefit everyone involved. To make this happen, they offer training sessions, legal support, and documents in multiple languages especially in areas where many producers may not have had formal legal education³⁸⁷.

This grassroots approach to legal empowerment is a big reason why the EU has been so successful in protecting its GIs, both at home and abroad. Without informed producers, legal regulations wouldn't be enough to stop misuse or the gradual loss of value tied to these special regional products.

Empowering Kerala's Local Producers: Bringing GI Law Closer to the Community

Kerala, known for its diverse range of GI-tagged products like the Kuthampully Saree, Malabar Pepper, Wayanadan Jeerakasala Rice, and Vazhakulam Pineapple, still faces a significant challenge many producers, particularly tribal communities, women-led cooperatives, and small-scale producers in districts such as Wayanad, Idukki, and Palakkad, lack awareness about GI protection and its benefits³⁸⁸. Despite growing interest in GI registration, legal literacy at the grassroots remains limited.

To address this, Kerala could adopt a more inclusive strategy by conducting local legal awareness workshops in regional languages such as Malayalam, Irula, and Tamil, targeting tribal and forest communities who often possess unique traditional knowledge³⁸⁹. Collaborations between government bodies like KSIDC³⁹⁰, and NGOs such as the Rural Agency for Social and Technological Advancement can help carry out field-level legal literacy initiatives. Supporting women and cooperatives through organizations like Kudumbasree would also aid in building stronger community driven

³⁸⁶ Gianluca Belletti & Andrea Marescotti, Producer Consortia and Economic Sustainability in the EU GI System: Parmigiano Reggiano Case Study, 13 *ECONOMIA AGRO-ALIMENTARE* 57 (2011).

³⁸⁷ Angela Tregear et al., Regional Foods and Rural Development: The Role of Product Qualification, 23 *J. RURAL STUD.* 12 (2007).

³⁸⁸ L. Nair, Geographical Indications in Kerala: Status and Gaps, 15 *KERALA ECON. REV.* 45 (2021).

³⁸⁹ A. Subramanian, Tribal Agriculture and GI Rights in Wayanad, 38 *J. DEV. STUD.* 102 (2020).

³⁹⁰ Kerala State Indus. Dev. Corp. (KSIDC), <https://www.ksidc.org> (last visited Mar 24, 2025).

branding and legal enforcement³⁹¹. Additionally, mobile legal clinics and digital tools featuring multilingual guides and accessible resources can bridge gaps in both legal awareness and internet access, ensuring that even remote producers are not left behind³⁹².

India's experience with Darjeeling Tea shows what's possible when producers are well-informed and organized. Rather than depending solely on government intervention the Tea Board of India worked directly with farmers and exporters to build their legal understanding³⁹³. Their efforts included field workshops export training and the creation of a shared logo steps that helped make Darjeeling Tea India's first GI-tagged product in 2004 and later secured recognition in the EU. Kerala's own GI communities like those producing aranmula kannadi or cultivating Malabar Pepper can follow this example. By forming formal producer associations that focus on legal training and support, these communities can better protect their rights and strengthen their market presence.

Global Lessons to Strengthen GI Rights in Kerala

Across the globe, landmark legal disputes over Geographical Indications (GIs) have played a key role in shaping how courts interpret and enforce GI protection. Today, it's not just about where a product comes from judges are also considering its distinctiveness, cultural roots, and how consumers perceive it. One notable example is the Basmati rice dispute between India and the United States. In 1997, Texas-based RiceTec Inc. attempted to trademark the name "Basmati" in the U.S., which sparked a strong legal and diplomatic response from India. The Indian government emphasized that Basmati is more than just a variety of rice it represents a long-standing cultural and geographical identity linked to the Indian subcontinent. Although RiceTec was permitted to retain certain claims, India succeeded in restricting the misleading use of the term "Basmati," reinforcing the importance of international GI recognition³⁹⁴.

³⁹¹ K. Rani & J. Thomas, Kudumbashree and Gender Mainstreaming in Kerala's GI Sectors, 26 GENDER & DEV. 109 (2018).

³⁹² India IP SME Helpdesk, Legal Literacy for GI Producers in Remote Areas (2021), <https://intellectual-property-helpdesk.ec.europa.eu>.

³⁹³ K. Das, Protection and Promotion of Darjeeling Tea: India's Experience with GIs (Ctr. for WTO Stud., 2010).

³⁹⁴ Dwijen Rangnekar, The Basmati Story: Geographical Indications and the Politics of Naming (Univ. of Warwick, Working Paper, 2004).

Another influential case is the European Court of Justice’s ruling on Feta cheese (Case C-465/02), which concluded that the name “Feta” could only be used for cheese produced in Greece³⁹⁵. The court rejected arguments from other European producers and emphasized the historical, cultural and geographic ties of Feta to Greece. Evidence such as consumer surveys and historical records helped justify this exclusive protection.

Together, these cases raised global standards for GI registration and enforcement. They underscore that legal recognition of a GI must be backed by cultural history, environmental factors and community identity not just market popularity. More importantly, they show how proactive legal strategies can protect local producers and prevent the loss of global market share.

Kerala home to unique Geographical Indication (GI) products such as Wayanad Coffee, Aranmula Kannadi, Mullan Kazhuthan Banana, and Malabar Pepper has the potential to elevate its GI ecosystem by drawing on global legal precedents. Strengthening both the legal framework and branding strategies will be key to enhancing credibility and enforcement. One important step is aligning the state’s GI registry with international legal standards. Practices from WIPO’s Lisbon Agreement and EU jurisprudence especially regarding labelling norms origin verification and cultural storytelling, can guide Kerala’s documentation and registration processes³⁹⁶. For global recognition, applications to international GI platforms like the EU registry or under WIPO’s Geneva Act should be backed by strong multidisciplinary evidence, such as scientific soil tests, ethnographic studies, historical records, and consumer perception surveys³⁹⁷.

Equally important is branding that reflects the legal identity of these products. Cooperatives and self-help groups (SHGs) should receive training on how to market GIs by highlighting features like environmental uniqueness, traditional production techniques, and regional authenticity. For example, Wayanad Coffee could be promoted globally by showcasing its shade-grown agroforestry methods, the role of tribal

³⁹⁵ Case C-465/02, *Comm’n v. Germany, Denmark & France (Feta Cheese)*, 2005 E.C.R. I-09115

³⁹⁶ World Intellectual Property Organization (WIPO), *Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications* (2015),

³⁹⁷ E. Vandecastelaere et al., *Linking People, Places and Products: A Guide for Promoting Quality Linked to Geographical Origin and Sustainable Geographical Indications* (FAO & SINGER-GI 2010),

communities in its cultivation, and its distinct altitude-based flavour mirroring the successful branding approach used for Jamaica Blue Mountain Coffee³⁹⁸.

To stay ahead of potential challenges, Kerala should also invest in legal monitoring. A dedicated research wing within the state's GI Board could track international court rulings intellectual property developments and WIPO bulletins³⁹⁹. By doing so it can generate policy briefs and branding guidelines that reflect evolving global standards.

Further strategic actions can also strengthen the system. The formation of a Kerala GI Cell under the Department of Industries with focused legal and branding teams would streamline coordination. Key products like Wayanad Coffee and Malabar Pepper should be prioritized for GI registration in international markets like the EU. On the digital front, GI rights should be pre-emptively secured on major e-commerce platforms such as Amazon, Flipkart, and Alibaba, using takedown mechanisms and verified seller tags⁴⁰⁰. Finally, Kerala should push for national policy advocacy by encouraging the Ministry of Commerce to include GI protection in Free Trade Agreements (FTAs), and to promote dedicated GI chapters in upcoming trade negotiations, especially with partners like the UK, EU, and ASEAN.

³⁹⁸ Daniele Giovannucci, Elizabeth Barham & Rich Pirog, *Defining and Marketing Local Foods: GIs for Value-Added Products*, 25 RENEWABLE AGRIC. & FOOD SYS. 46 (2010).

³⁹⁹ Kerala State Planning Board, *Kerala's GI Vision 2030: Policy Roadmap and Institutional Framework* (Internal White Paper, 2022).

⁴⁰⁰ India IP SME Helpdesk, *GI Protection in Digital Markets: Guide for Indian Producers* (2022), <https://intellectual-property-helpdesk.ec.europa.eu>.

Conclusion

Judicial interpretations in both India and the European Union have played a foundational role in shaping the trajectory of Geographical Indication (GI) protection moving beyond mere statutory enforcement to becoming custodians of cultural heritage, market integrity, and producer rights. Indian courts have expanded the scope of GI jurisprudence by recognizing community rights and addressing modern infringements, while European courts have set global benchmarks in enforcement precision and regulatory coherence.

Kerala with its diverse GI portfolio stands to gain substantially by adopting legal strategies institutional frameworks, and producer led enforcement models from these experiences. Strengthening state level enforcement expanding legal literacy at the grassroots and aligning with international regimes will be critical for Kerala to unlock the full socio-economic potential of its GI assets.

Chapter 8

Conclusion and Recommendations

Geographical Indications (GIs) represent a unique convergence of law, culture, and commerce. As a unique type of intellectual property GIs protect the identity of region-specific products and serve as a tool for sustainable development, market differentiation and cultural preservation. This study has explored the comparative legal frameworks of India and the European Union (EU), the economic and cultural significance of GIs in Kerala, and the challenges faced by Indian GI products in the international market, particularly within the EU. In light of these findings, this concluding chapter aims to consolidate the legal understanding of GIs and propose legal reforms, institutional enhancements and international strategies to strengthen India's GI ecosystem.

Legal Framework Revisited: India and the European Union

The legal protection of GIs is rooted in international law, notably the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), 1994. Articles 22–24 of TRIPS provide the foundational obligations for member states mandating protection against the misuse of GIs and prescribing enhanced safeguards for wines and spirits. Both India and the EU have enacted comprehensive domestic legislation to fulfil these obligations.

India's Geographical Indications of Goods (Registration and Protection) Act, 1999, came into effect in 2003. It is administered by the Geographical Indications Registry in Chennai under the supervision of the Controller General of Patents, Designs and Trade Marks. The Act empowers registered proprietors and authorized users to prevent unauthorized use and misrepresentation of GI-tagged products. It defines the scope of protection, lays down the registration procedure, and provides civil remedies for infringement.

In contrast, the EU operates a dual-tier GI system under Regulation (EU) No. 1151/2012, categorizing products as Protected Designation of Origin (PDO) and Protected Geographical Indication (PGI). This legal framework is supported by secondary regulations such as Regulation (EU) No. 1308/2013 for wines and Regulation (EU) No. 2019/787 for spirit drinks. The European Commission, through the DOOR and eAmbrosia databases, ensures transparency and enforcement across all

Member States. Legal recognition is further extended through bilateral trade agreements and mutual recognition clauses with countries such as China, Japan, and Canada.

Comparative Legal Analysis and Reform Imperatives

The comparison reveals that the EU framework provides a more robust, enforceable, and internationally integrated GI regime. India's GI system, while procedurally accessible and inclusive suffers from enforcement deficits, lack of international reciprocity and limited post-registration support. The following areas demand immediate legal and institutional attention:

Post-Registration Enforcement and Rulemaking:

The Geographical Indications of Goods (Registration and Protection) Act 1999 in India lacks effective enforcement,] particularly in quality control and penalties for mislabelling. This leads to the misuse of GI tags reducing their credibility and market value. In contrast the European Union has regular inspections and strict penalties to maintain product quality. To improve enforcement in India it's essential to amend the Act or create comprehensive rules under Section 21 allowing authorities to conduct inspections and impose penalties thereby strengthening the GI system.

Judicial Interpretation and Litigation:

Indian courts have made significant contributions to the evolution of GI jurisprudence. The Calcutta High Court's decision in *Tea Board of India v. ITC Ltd.* (2011) extended GI protection to cases of indirect usage in services, thus expanding the scope of Section 22. Similarly, *Khoday Distilleries Ltd. v. Scotch Whisky Association* (1999) recognized foreign GIs under common law principles. Yet, these rulings remain isolated. There is a pressing need for specialized benches or Intellectual Property Appellate Boards to develop a coherent body of GI case law. Training judicial officers in TRIPS compliance and comparative jurisprudence is vital.

Alignment with TRIPS Plus Standards:

While TRIPS requires only minimum standards, India must consider adopting "TRIPS-Plus" standards similar to those in the EU. These include extending enhanced protection under Article 23 to products beyond wines and spirits implementing automatic border

enforcement measures and requiring government ex officio action against infringement. Such reforms will not only benefit producers but also boost India's global credibility.

Mutual Recognition Agreements (MRAs):

India must negotiate MRAs or include GI chapters in its Free Trade Agreements (FTAs), particularly with the EU. These agreements would ensure that Indian GIs are automatically recognized and protected in EU markets thereby reducing the cost and time associated with individual GI registrations. Given the EU's emphasis on quality and traceability harmonization of standards through bilateral legal instruments is essential.

Clarification of Ownership and Benefit Sharing:

The GI Act recognizes communities as collective rights holders but it lacks mechanisms to ensure equitable benefit sharing. Legal provisions should mandate the formation of producer associations require inclusive governance, and prevent elite capture. Incorporating concepts from the Biological Diversity Act, 2002 such as community rights and access and benefit sharing (ABS) can enhance the fairness of the GI system.

Legal Dimensions of Sustainability and Cultural Protection

The legal importance of Geographical Indications (GIs) goes beyond just branding. They represent cultural identity and care for the environment. Article 29(1) of the Indian Constitution protects the rights of communities to maintain their unique culture which includes their traditional products and practices. Judicial recognition of this principle can elevate GIs to a constitutional status offering them higher protection in public interest litigation and environmental jurisprudence.

Moreover, the UNESCO Convention for the Safeguarding of Intangible Cultural Heritage (2003) offers a valuable framework to situate GI protection within cultural law. Products like Navara Rice and Aranmula Kannadi are not merely commodities but embodiments of traditional ecological knowledge (TEK) and artisanal heritage. Indian courts should consider these international commitments while adjudicating GI disputes.

Institutional and Procedural Reforms

Creation of a National GI Authority:

A central regulatory body with quasi-judicial powers should be created to coordinate registration, monitoring dispute resolution and international cooperation. It should include representation from the Ministry of Commerce, DPIIT, the Ministry of Culture, and agricultural bodies.

Decentralized Dispute Resolution and Legal Aid:

Legal access remains a major barrier for small producers. Establishing district level legal aid clinics, fast-track arbitration mechanisms and public private partnerships with law schools and bar councils can help address enforcement gaps.

Public Awareness and Consumer Protection:

Legal awareness campaigns should be conducted under Section 24 of the GI Act to inform consumers about certified GI logos false claims, and remedies. Consumer protection laws should also be invoked to prosecute misleading advertisements or fake GI labels under the Consumer Protection Act, 2019.

Internationalization of Indian GIs: Case of Kerala

Despite the richness of Kerala's GI portfolio Malabar Pepper, Wayanad Robusta Coffee, Navara Rice legal hurdles such as EU non-recognition, packaging non-compliance, and trademark conflicts limit export success. These constraints are legal, not just logistical. For instance, the refusal of GI recognition to Indian products in the EU due to lack of bilateral protection is a clear case of procedural asymmetry.

India must push for inclusion of Kerala GIs especially agricultural products in upcoming trade negotiations with the EU. Additionally, Kerala State authorities should adopt a legal compliance checklist based on EU Regulation 1151/2012 for all products seeking export. This includes GI logo use production protocols geographical mapping and traceability systems.

Legal Vision for GI-Driven Development

Geographical Indications are no longer mere cultural signifiers they are legal instruments of economic empowerment and heritage protection. India's GI regime must

evolve from a registration centric model to a rights enforcement paradigm, in line with international best practices. The current legal gaps post registration regulation, judicial interpretation, global recognition undermines the potential of GIs to deliver inclusive development.

Therefore, the legal roadmap ahead must focus on:

- Amending the GI Act, 1999 to introduce enforcement and quality control provisions;
- Establishing a National GI Authority for registration, dispute resolution, and export promotion;
- Negotiating Mutual Recognition Agreements with key trading partners;
- Aligning domestic law with TRIPS Plus obligations;
- Protecting traditional knowledge and cultural identity through constitutional and international law linkages.

Only by embracing a legally integrated approach can India, and specifically regions like Kerala, fully leverage the GI framework for sustainable growth, cultural affirmation, and international competitiveness. Courts, regulators, lawmakers, and producers must work together to transform GIs from static labels into dynamic legal rights capable of shaping the future of trade and tradition alike.

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APPENDICES

Appendix A – List of GI-Tagged Agricultural Products in Kerala

A table listing GI-certified agricultural products from Kerala, including year of registration, GI number, and registering organization.

Source: Geographical Indications Registry, Government of India.

Appendix B – Key Provisions of the Geographical Indications of Goods (Registration and Protection) Act, 1999

A selected reproduction of critical sections such as Sections 2, 11, 21, and 22, which define GI, application process, rulemaking power, and infringement provisions.

Source: Geographical Indications of Goods (Registration and Protection) Act, 1999.

Appendix C – Comparative Table: EU vs. Indian GI Framework

Side-by-side comparison of major components including classification (PDO/PGI vs single-tier), registration process, enforcement capacity, and international recognition.

Appendix D – Excerpts from Key Judicial Decisions

1. *Tea Board of India v. ITC Ltd.*, Calcutta HC (2011) – Indirect usage and scope of GI protection
2. *Khoday Distilleries Ltd. v. Scotch Whisky Association*, SC (1999) – Foreign GI recognition
3. *Pokkali Rice Producers Society v. Registrar of GIs* (2013) – Community-based GI claims

Sources: Indian Kanoon, GI Registry Orders, Supreme Court database.

Appendix E – Selected EU Regulations on GIs

Summaries of:

- Regulation (EU) No. 1151/2012
- Regulation (EU) No. 1308/2013 (Wines)
- Regulation (EU) No. 2019/787 (Spirits)
- EU-China GI Agreement excerpts

Source: EUR-Lex, European Commission GI Regulations.

Appendix F – Sample GI Application (India)

Annotated reproduction of a completed GI application form (Form GI-1) with fictitious data for educational purposes.

Source: Controller General of Patents, Designs and Trademarks – GI Application Manual.

Appendix G – International Agreements Excerpts

- TRIPS Agreement: Articles 22–24
- UNESCO Convention for Safeguarding of Intangible Cultural Heritage (2003)
Relevant excerpts included to support legal and cultural interpretations.

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26/5/25



Name & Signature of the Researcher: ATHUL SUNDAR

Name & Signature of the Supervisor: HARI S. NAYAR

