

SYNOPSIS

ON

DISSERTATION TITLE

**LEGAL PERSPECTIVES AND CHALLENGES OF  
GEOGRAPHICAL INDICATIONS:**

**A STUDY WITH REFERENCE TO PUNJAB STATE**

Synopsis submitted to the Lovely Professional University  
in partial fulfillment of the academic requirement

for the award of the degree of

Master of Laws (LLM)

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30 November 2017

## **CERTIFICATE**

I hereby certify that this synopsis entitled “**LEGAL PERSPECTIVES AND CHALLENGES OF GEOGRAPHICAL INDICATIONS : A STUDY WITH REFERENCE TO PUNJAB STATE**” submitted for the award of Degree of Master of Laws (LL.M) is a record of synopsis work done by the candidate “**Ramandeep Kaur**” during the period of her study under my guidance at School of Law, Lovely Professional University, Phagwara, Punjab, India and that the synopsis has not formed the basis for the award of any Degree, Diploma, Associateship, Fellowship or other similar titles to the candidate. I further certify that this synopsis represents the independent work of the candidate.

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## **DECLARATION**

I hereby declare that the synopsis entitled “**LEGAL PERSPECTIVES AND CHALLENGES OF GEOGRAPHICAL INDICATIONS : A STUDY WITH REFERENCE TO PUNJAB STATE**” submitted to the School of Law, Lovely Professional University for the award of degree of Master of Laws (LL.M) is a record of original and independent synopsis work done by me under the supervision and guidance of **Mrs. Meenu Chopra**, Assistant Professor, School of Law, Lovely Professional University and that the dissertation has not formed the basis for the award of any Degree, Diploma, Associateship or other similar titles.

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# CHAPTER-1

## GENERAL INTRODUCTION

### 1.1 INTRODUCTION TO GEOGRAPHICAL INDICATIONS

Goods having Geographical Indication status derive their uniqueness through their inherent linkage to a place. Geographical Indications assumed prominence in terms of juridical development and economic importance with their inclusion in the Trade Related Aspects of Intellectual Property Rights Agreement. Origin based marketing strategies have triggered the need to protect Geographical Indications.<sup>1</sup> The famous example is of Darjeeling tea which is the most coveted tea in the world. Darjeeling planters association was formed in 1892, Darjeeling Tea achieved international status similar to Champagne or Scotch whisky. Darjeeling logo as well as the word are now registered as the certification trademarks of the board under Trademarks Act of 1999. Darjeeling tea has been given protected status in 25 nations. Geographical Indication is an indication, name or sign or used on certain products which corresponds to a particular location or origin or geographical territory which can be a town, a region, a country, a state. Geographical Indications need not always be geographical names but may consist of symbols if such symbols are capable of indicating the origin of goods concerned without naming the place of their origin. For instance, Champagne denotes the geographical name where sparkling wine is produced in Champagne district of France whereas Basmati is a symbol which stands for particular varieties of long grained and aromatic rice produced in Punjab region. Geographical Indication is a means of identification of certain agricultural, traditional, manufactured, industrial or natural goods and must have special characteristics, features, uniqueness, reputation, special quality.<sup>2</sup> The manufactured goods must be produced, processed or prepared in that territory. The Geographical Indications Act, 1999 affords protection to goods that can be identified as originated or manufactured in the

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<sup>1</sup> Anu Kapur, “ Only in India- Goods with Geographical Indications” 3-25 ( Routledge, India, 1st edn, 2015)

<sup>2</sup> Daniele Giovannucci , Tim Jostling, William Kerr , Bernard O’Connor , May T. Yeung, “Guide To Geographical Indications Linking Products And Their Origins” ( ITC , Geneva, 2009)

territory of a country or a region or locality in that territory where a given quality, reputation or other characteristic of such goods is essentially attributable to its geographical conditions according to Sec 2(1) (e) of Act. If the goods are manufactured goods, one of the activities related to production, processing or preparation of goods concerned must take place in such territory or the locality. The term is initially for a period of 10 years and can be renewed from time to time. Examples of Indian Geographical Indications are Basmati Rice, Kohlapuri chappal, Kota Doria and Bikaneri Bhujia from Rajasthan, Agra Petha, Nagpur Orange, Kanchipuram silk saree, Mysore silk, Mysore Sandal soap, Mysore Jasmine, Madhubani paintings, Tirupathi Laddu, Nilgiri tea of Tamilnadu, Thanjavur painting, Thanjavur dancing doll, Orissa Ikat from Orissa, Feni from Goa, Bastar Dhokra and Bastar iron craft from Chattisgarh, Pochampalli sarees from Andhra Pradesh, Aranmula metal mirror from Kerala etc. Examples of Geographical Indications of world are Canadian whisky, Florida oranges, Swiss watches etc. A geographical indicator is an indication which links a product to a particular region as defined in Sec 2 (1) (g) of Geographical Indication of Goods ( Registration and Protection) Act, 1999. It indicates qualities, attributes, reputation associated with geographic origin. It originates from a definite geographical territory. It suggests connection to region's inherent characteristics such as soil, climate, territory. It may imply production skills or processes associated with a particular region. It is used to identify agricultural, natural or manufactured goods.<sup>3</sup> The manufactured goods should be produced or processed or prepared in that territory itself. The relationship between Geographical Indication and other Intellectual Property Rights exists and they share some pertinent issues on ownership aspects. In Geographical Indications, the rights are controlled by groups or persons collectively rather than an individual. Specific legal acts vary in their definition of the terms 'geographical indications' and 'designations of origin.' According to provisions of Trade Related Aspects of Intellectual Property Rights agreement, Geographical indications are the indications that identifies a product as

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<sup>3</sup> Frequently Asked Questions- Geographical Indications In India available at [http://ssrana.in/Intellectual Property/Geographical Indications/GI-FAQ-in-India.aspx](http://ssrana.in/Intellectual_Property/Geographical_Indications/GI-FAQ-in-India.aspx) (visited on Oct 2, 2017)

origination from the territory of a State that is party to the Agreement or from a region or from a place located in the territory if a specific quality, reputation or other characteristics of the product is essentially attributable to its geographical origin. Origin of goods is attributed to a distinctive ecology that brews in a particular place. Under European Union, Council Regulation (EC) No 510/226, the meaning of designation of origin means the name of region or name of a specific place or in exceptional cases, a country, used to describe an agricultural product or foodstuff originating in that region, specific place or country with quality or characteristics which are essentially or exclusively due to particular geographical environment with its inherent natural and human factors. Geographical Indications are also referred to as Appellations of Origin. Geographical Indication is covered under the Intellectual Property Rights and Trade Related Aspects of Intellectual Property Rights. A Geographical Indication tag certifies the origin of a specific product or its produce from a particular location or region as the quality or other features of product is attributable only to the place of its origin. The Geographical Indication tag is very beneficial for farmers or manufacturers, as the case may be so as to get a better price in market. It ensures that only the registered or authorized users or atleast those residing inside the geographical territory are allowed to use the popular product name. In 2004-2005, Darjeeling tea became the first Geographical Indication tagged product in India, since then by Sept 2010, 184 Geographical Indication tags had been added to the list. There is a need to protect treasures of India. Because the economic potential of goods registered as Geographical Indications is enormous. It should be protected in India so as to preventing the geographical indications from becoming generic. Because of imitation and duplicacy of goods which have been granted Geographical Indications, there is a requirement of organized system of rules and regulations that is open, just and fair and provides for effective enforcement mechanism. The office of Geographical Indication registry is located at Chennai. The Act is administered by the registrar of geographical indications that is Controller General of Patents, Designs and Trademarks.

## **SIGNIFICANCE OF GEOGRAPHICAL INDICATIONS**

Geographical Indications have emerged as a distinct category of subject matter within International Intellectual property law. It sets out to locate Geographical Indications within the ‘webs of significance’ spun across the legal framework of a country. Geographical Indications are more than where the product actually comes from. Geographical Indications reflect historical echoes and collective practices grounded in a specific milieu. This makes them objects having a qualitative link with their origin.<sup>4</sup> Geographical Indications have been around us from a long long time but awareness about their protection, business value and external marketing, commercialization in trade has been realized quite late after the issues of Basmati and Darjeeling tea arose. So Geographical Indication are said to be silent beauty related to the universe of Intellectual Property”<sup>5</sup> Geographical Indication authorized user registration provides the authorized user an exclusive right to use registered Geographical Indication on the specified goods. The infringement actions can only be initiated by authorized users. Once a protection is assured by Geographical Indications registration, there is development of market. Pirates are counterfeiters cannot encroach that market. Geographical Indication registration protects the interest of honest producers and traders. There is promotion of domestic Geographical Indication in the export markets once goods gets Geographical Indication status. The protection of Geographical Indications protects community of producers to prosper, prevents unfair competition, cartelization and commercial abuses excluding the authorized use. Geographical Indications is of strategic importance as it has great potential in rural and agricultural development of a nation. Geographical Indications play a significant role and indeed are of great importance in developed and developing countries. To preserve and shield a product based on its Geographical location and further to protect the culture, heritage and the customer from any kind of imitation,

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<sup>4</sup> Dr Ashok K. Jain, “Intellectual Property Laws-1 (Trade Marks, Geographical Indications & Designs)(Ascent Publications, Delhi ,3rd edn, 2015)

<sup>5</sup> Van Caenegem, William, (eds.), “The Importance of Place: Geographical Indications as a Tool for Local and Regional Development” (Springer International Publishing, Australia ,1st edn, 2017)



Geographical Indication also known as Geographical Indication tag is created as one of the interesting and emerging Intellectual Property Right in the whole world. During the last twenty years, the international protection of geographical indications has experienced a worldwide resurgence spurred by both the greater need and the additional opportunities offered by the global marketplace for the diversification of agricultural products and foodstuffs.<sup>6</sup> Over the last decades, there have been several attempts to secure and safeguard world IP system for culture and traditional heritage. There are currently more than 10,000 protected Geographical Indications in the world with an estimated trade value of more than US\$ 50 billions. Many are well-known names such as Darjeeling tea, Bordeaux wine, Parmigiano-Reggiano cheese and Idaho potatoes. Yet many more are less known and often unprotected.<sup>7</sup>

#### **RELEVANCE OF GEOGRAPHICAL INDICATION**

There is absolute relevance of geographical Indications as it acts as development tool. Geographical Indications are mostly from small towns or villages. Higher income for the producers from these regions have the potential to transform the rural economy for the better and assured market always attracts more and more investment. Cultivation or manufacturing process itself can attract tourists. Handicrafts and handlooms having special characteristics are always source of attraction for tourists. Demarcated areas having unique products attract tourists to taste the special Geographical Indication foods or drinks or buy unique Geographical Indication tagged products with discounts. The successful use of Geographical Indication which is an indicator of quality such as Champagne, Tequila increases the competitiveness of products and thus contributes to income growth, rural development and livelihood of producers. Also it helps to compete for a greater share of global trade. India is 2nd most populated country in the world which is rich storehouse in diverse natural resources, ethnicities, traditions,

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<sup>6</sup> G.E. Evans and Michael Blakeney, "The protection of Geographical Indications after Doha: Quo Vadis?" 1 JIEL 16 (2006)

<sup>7</sup> Filippo Arfini, Maria Cecilia Mancini, Mario Veneziani, "Intellectual Property Rights for Geographical Indications: What is at Stake in TTIP?" ( Cambridge Scholars Publishing, UK, 1st edn 2016)

festivals, languages and culture. There is unity in diversity made up of different colours of cultural background. India has enacted Geographical Indications of Goods (Registration and Protection) Act in Dec 1999 and the Geographical Indications Of Goods (Registration and Protection) Rules, 2002 (GI Rules). The Geographical Indication Act came into force along with Geographical Indication rules with effect from September 15, 2003. Without suitable legal protection, the competitors who do not have any legitimate rights might indulge in unfair practices resulting in revenue loss for genuine right-holders of Geographical Indication. Such unfair trade practices misleads consumers, may hamper the goodwill and reputation associated with the geographical indication such as specific manufacturing skills and traditions. According to the list published by Registrar of Geographical Indication in October 2017, India has 301 Geographical Indication products registered so far and over 270 more products have applied for the label in the various fields which are worth billions of dollars related to agricultural goods, handloom, goods of handicraft, foodstuff, textile, natural, industrial and manufactured goods and goods have been defined according to Sec 2(1) (f) of Act. Indian Punjab is called the “Granary of India” or “India’s bread-basket.” The research is to be done to review the current status of Geographical Indications in Punjab. The research is undertaken to analyse various kinds of footwear and leather goods industrial clusters, sports goods industrial clusters in the districts of Jalandhar, exclusive regional dish of Punjab which includes ‘sarson da saag’ and ‘makki di roti’, manufactured handloom namely parandha in Patiala, hosiery manufactured goods in Ludhiana and jaggery (gur and shakkar) manufactured in Gurdaspur as agricultural product obtained from sugarcane of state of Punjab which can be qualified for Geographical Indication tag. The aim of research is to understand as to why these 7 identified region-specific handicrafts, agricultural, manufactured and other household products are lagging behind and have not applied for Geographical Indication status till date though having uniqueness, reputation, quality and specific geographic origin. The research is to be done to analyse that Geographical Indication can be made relevant for these identified products to guard them against misleading use or unfair competition.

The research is going to explore the national and international regimes of Geographical Indications. The research will also include various challenges faced in process of registration of Geographical Indications in context of Geographical Indication registered products of Punjab as well products fighting the legal battle to get Geographical Indication status.

### **GEOGRAPHICAL INDICATION OF GOODS ( REGISTRATION AND PROTECTION ) ACT, 1999**

India enacted sui-generis system for protection of Geographical Indications to put in place national Intellectual property laws in compliance with India's obligations under Trade Related Aspects of Intellectual Property Rights Agreement. India enacted Geographical Indications of Goods (Registration and Protection) Act, 1999<sup>8</sup>. Prior to the enactment of this legislation, there were three ways in which the existing laws were utilized under Consumer protection, through passing off action in courts and through certification marks. Such legal provisions did not provide any effective protection to precious geographical indications as a result of which foreign companies and traders have been found to be free-riding on the uniqueness, reputation and goodwill of renowned geographical names for years. For instance, tea produced in countries of Kenya and Sri Lanka have often been passed off around the world as 'Darjeeling tea' which originally denotes the aromatic produce of the high Altitude areas of North-Bengal, from where its name is derived. Also another glaring example of wrongful exploitation of well-known geographical indication from India as US patent on 'Basmati Rice Lines and Grains' granted to Texas based Rice Tec Inc. has been a big controversy in recent past. The Indian Geographical Indication Act classifies the goods whereas TRIPs agreement defines the goods in general. In the Indian Act, if a producer applies for a Geographical Indication for manufactured goods, he or she must make sure that atleast one of the activities of either the production or processing or preparation of goods must take place in the territory. In that sense Geographical Indication Act is more restrictive than Trade Related Aspects of Intellectual Property Rights

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<sup>8</sup> P.Naraynan, "Intellectual Property Laws" (Eastern law House, India, 3<sup>rd</sup> edn 2015)

Agreement.<sup>9</sup> Sec 2 (1) (k) of Geographical Indication of Goods Act (Registration and Protection) Act, 1999 defines producers in relation to goods means any person who produces the goods or person who processes or packages such goods if such goods are agricultural goods. If goods are natural goods, producer means a person who exploits such goods. If such goods are handicraft or industrial goods, any person who makes or manufactures the goods and also includes any person who trades or deals in such production, exploitation, making or manufacturing as the case may be. For instance, Geographical Indication Act will allow a product to be designated as Darjeeling Tea unless the processing takes place within the Darjeeling region. The provision under Trade Related Aspects of Intellectual Property Rights Agreement will allow the final product to be designated as Darjeeling tea even if the processing takes place outside Darjeeling.<sup>10</sup>

## **1.2 STATEMENT OF PROBLEM**

1. Lack of awareness among people, producers due to rural backwardness in Punjab about existing Geographical Indications and their significance, popularity and attractiveness worldwide.
2. Economic benefits of Geographical Indications such as brand recognition, exposure, increase in sale do not reach the people who are actually involved in the manufacture or production of goods.
3. Lack of decent pay forces the small producers or manufacturers to hunt for other jobs that fetch better income.
4. Boost the rural development and provide complete information to consumer preserving local culture and resources.

## **1.3 SCOPE OF STUDY**

The research study includes the details of Geographical Indications registered in Punjab and pending Geographical Indication registration of various products of Punjab. The scope of empirical study is restricted to definite areas of

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<sup>9</sup> Kasturi Das, “ Protection Of Geographical Indications : An Overview of Select Issues with Particular Reference to India”, Working paper 8, 2007, Centre for Trade and Development (centad), New Delhi, India.

<sup>10</sup> The Geographical Indication of Goods( Registration and Protection Act) 1999

Jalandhar, Patiala, Ludhiana, Gurdaspur of Punjab where prospective Geographical Indications are identified. The aim of study is to unlock the commercial potential of identified geographical indications which need to be protected so as to benefit local workers, artisans, small scale producers, traditional craftsmen involved in the manufacturing or production of such goods which includes regional foodstuff, handicrafts, traditional, agricultural, natural or industrial manufacturing. The study provides a lens to identify various Geographical Indications in Punjab.

#### **1.4 OBJECTIVES OF STUDY**

1. To trace out the historical background and development of Geographical Indications with specific reference to state of Punjab
2. To explore and identify various potential Geographical Indications within different districts of Punjab State
3. To analyse protection of Geographical Indications under legal framework in India and at International level
4. To recommend measures to bring awareness among producers and public related to Geographical Indication concepts and its registration.

#### **1.5 HYPOTHESIS**

- Geographical Indication of Goods (Registration & Protection) Act,1999 has created a scope for identification, registration and protection of new products having potential to get registered as Geographical Indication.

#### **1.6 METHODOLOGY**

- Researcher has used empirical and analytical method of research. The field study is aimed at understanding and analysing the list of identified Geographical Indications in different districts of Punjab.

#### **1.7 SOURCES OF DATA**

- The primary and secondary sources of data collection to be used. The primary data shall be collected through direct questionnaire and

interviewing producers, labourers and consumers involved in goods for which Geographical Indication protection has not been applied till date. In addition to primary data, secondary sources have been extensively used for literature review. The secondary sources include books, research reports, statutes, academic articles and other web based resources on Geographical Indications.

## **1.8 LITERATURE REVIEW**

In a book, “**Relocating the Law of Geographical Indications**” authored by **Dev Gangjee**, there is an explanation as how to locate Geographical Indications belonging to a particular location. The importance of regional products for producers, consumers and policy makers have been explained with reference to international legal regime under the Trade Related Aspects of Intellectual Property Rights Agreement. There is a discussion regarding the considerable variation in the nature, scope and institutional forms of legal protection for distinct valuable geographical brands such as Darjeeling tea, Champagne and Colombian coffee<sup>11</sup>

The author **Sharma Lipika**<sup>12</sup> penned down in his book namely “**Geographical Indications in India—Law and Procedure in India**” explained laws relating to Geographical Indications alongwith commentary regarding various legal framework and procedure in India related to protection of Geographical Indications. In this book landmark case laws and celebrated judgments are given related to a number of issues of Geographical Indications. It has broadly explained the needed protection granted to India provided under Trade Related Aspects of Intellectual Property Rights without restraining its ambit to wines and spirits” as in other countries. The book contains the detailed provisions related to protection of agricultural, handicrafts, manufactured and foodstuff products. Further International Geographical Indications can also be registered under the Indian Act. Few such registered Geographical Indications are Scotch Whisky of United

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<sup>11</sup> Dev Gangjee, “Relocating the Law of Geographical Indications “ (Cambridge Intellectual Property and Information Law) (Cambridge University Press, USA, 1st edn, 2000)

<sup>12</sup> Sharma Lipika , “Geographical indications in India—Law and Procedure in India” 105 Lambert Academic Publishing 101-110 Jan 13 2016

Kingdom, Peruvian Pisco of Peru, Champagne of France, Tequila of Mexico, Porto of Portugal, Prosciutto di Parma etc.

The famous author **Vandana Singh** reported in her book, **“The Law of Geographical Indications – Rising above the horizon”** regarding the dilution in the meaning and names of distance and places due to technological developments. The importance behind attractiveness in a good or product is directly connected to a particular region. It is in this context that the Law of Geographical Indications assumes importance. The acknowledgement of geographical indications with respect to special relevance to places has been discussed. It has been explained in book that the Geographical indications fall in that domain of Intellectual Property Rights which generally deals with rights associated with a person. It has been penned down that geographical indications are nothing but collective rights which are assigned collectively to all the producers of that unique territory.<sup>13</sup> This book maps out those resources which are said to be naturally unique to a place and the hereditary knowledge that has come to the modern world through the word of mouth. The principal contribution to this book enriches the deep understanding of geographical indication in simple words without any legal jargon. It is a comprehensive study on the laws of geographical indications, highlighting insights into the concept of geographical indications, laws and processes for protection of traditional knowledge and unique natural products, international treaties and registration of geographical indication in India. In a nutshell, the present work provides a comprehensive and accurate law relating to geographical indications and its interpretations within the country and abroad .

The author **Delphine Marie-Vivien** has written in his book, **“The Protection of Geographical Indications in India-A New Perspective on the French and European Experience”** explained the geographical indications (GIs)<sup>14</sup> from the aromatic Basmati rice to the rich taste of Darjeeling tea in India and from

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<sup>13</sup> Vandana Singh , “The Law of Geographical Indications – Rising above the horizon” 20-40 ( Eastern Law House Pvt. Ltd, Calcutta, 1st Edition, 2017)

<sup>14</sup>Delphine Marie-Vivien, “ The Protection of Geographical Indications in India-A New Perspective on the French and European Experience” 300( SAGE Publications Pvt. Ltd, USA,1st edn,2015)

the sparkling white wine of Champagne to the blue cheese of Roquefort in France. This book explained all local-specific products that are protected by Geographical Indications. The book compares the case of India with that of France where concept of Geographical Indications were originated and investigates how India has successfully extended its Geographical Indications to handicrafts while France and Europe still remain confined to foodstuff. A significant study has been done by author in light of the increased Trade-Related Aspects of Intellectual Property Rights and World Trade Organization regime.”

The writer **Dr V.K.Ahuja** writes in his book, “**Law Relating To IPR**” the various significant features of Geographical Indications<sup>15</sup> that respond to the need of indigenous people, local communities and farmers. There has been explained four important features that the geographical indications are based on collective decisions and a collective decision making process, geographical indications is to reward traditions while allowing for continued evolution. It is to emphasize the relationship between human efforts, culture, land resources and environment and geographical indications are not freely transferable from one owner to another. A prominent relationship has been reflected where Geographical Indications reflect the traditions, cultures, human efforts, resources and environment of particular regions.

The article, “**GIs and livelihoods-----Opportunities and Challenges**” discusses livelihood of persons who are financially dependent on Geographical Indications is only likely to be effective in value addition if the product is already profitable and also if the increased revenues actually reach the traditional producers in rural communities. To continue a traditional craft and protect traditional heritage, Geographical Indication can only serve as an incentive for producers if it is only the producer who can access a market to sell its products and obtain a decent price.<sup>16</sup>

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<sup>15</sup> Dr V.K. Ahuja, “Law Relating To IPR”438 (Lexis Nexus, India, 3rd edn. 2015)

<sup>16</sup> GIs and livelihoods-----Opportunities and Challenges available at [www.iied.org](http://www.iied.org) (last visited on Nov 2,2017)



The author **Fadulah. H. Arief** in his article, “**Indonesia Crafts-The Overlooked Potential of Geographical Indication**” discusses that Geographical Indication is created to protect a product based on its geographical location that is prone to free-riding and also to protect the culture and customer. From the legal aspect, craft is a part of tangible Traditional Culture Expression (TCE) that is protected under Intellectual Property Right. This right is valuable to preserve the cultural values behind it and to protect craft as a market commodity.<sup>17</sup>

An article, “**GI status for Phulkari**” mentions regarding the currently running project entitled "Registration of Geographical Indications" by Commerce & Investment Department to ensure registration of specific products of Punjab as a Geographical Indication that fulfill the criteria of being a Geographical Indication as laid down in the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPs) under World Trade Organization (WTO). Also a brief explanation of Phulkari has been penned down highlighting that the Punjab Heritage product, Phulkari has become a distinctive, signifier in Punjab’s literature, folklore, and folksongs. Phulkari historical embroidery, which finds mention in the Vedas, Mahabharata, Guru Granth Sahib, Heer Waris Shah and folklores of Punjab is important and valuable for the stakeholders who have kept the tradition alive for centuries.<sup>18</sup>

**PK Vasudeva’s** article on “**Amritsar’s Kulcha**” occupies a prominent place in the literature review according to which the North Zone Cultural Centre (NZCC) in Patiala is now trying to register various items on Amritsar’s traditional platter as a Geographical Indication produce of Amritsar. This is to ensure that when a foodie orders Amritsari Fish in Mumbai or Amritsari Kulche Chhole in Delhi or Amritsari Tandoori chicken in any other city, he gets the real thing. Thick

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<sup>17</sup>Fadulah. H. Arief, “Indonesia Crafts; The Overlooked Potential of Geographical Indication.” 2 IJCH 90 (2016)

<sup>18</sup>“GI status for Phulkari” , The Times Of India, Jan 19, 2011

lassies, golden-brown kulchas, tender fish pakodas and tangy chickpeas; Amritsar has sired many legendary dishes.<sup>19</sup>

**Miling Ghatwai, Diviya Goyal** in their article, “**Rice & Rights: Judgment day for Madhya Pradesh and Punjab in tug-of war for basmati GI tag**” discusses the Basmati battle that Basmati experts have warned the government of possible international repercussions that Basmati evolved from Punjab centuries ago and if any inferior kind of rice grown in other areas is qualified as basmati, it will be a loss not only for Punjab but for India on an international level. In this article, the experts also expressed concerns that inclusion of Madhya Pradesh will degrade the quality of Indian basmati, thus handing an advantage to Pakistan which would claim to be the producer of “authentic aromatic basmati.”<sup>20</sup> The basmati Geographical Indication areas covered are Punjab, Haryana, Uttarakhand, Himachal Pradesh, Delhi, Western Uttar Pradesh and two districts of Jammu & Kashmir. According to Punjab Agricultural University experts Punjab is still the sole producer of the highest quality basmati and this aromatic rice variety originated from here centuries ago in undivided Punjab.

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<sup>19</sup>PK Vasudeva, “Amritsar’s Kulcha” The Hindu, Businessline, June 25, 2015

<sup>20</sup>Miling Ghatwai, Diviya Goyal, “Rice & rights: Judgment day for MP and Punjab in tug-of war for basmati GI tag”, The Indian Express, Aug 17 2016.

## **1.9 PROPOSED CHAPTERISATION**

The investigation in to the study of problem relating to legal perspectives and various challenges in protecting Geographical Indications with an empirical study in reference to state of Punjab is planned and spread into following chapters:

### **CHAPTER-1**

#### **GENERAL INTRODUCTION**

- 1.1 INTRODUCTION TO GEOGRAPHICAL INDICATIONS
- 1.2 STATEMENT OF PROBLEM
- 1.3 SCOPE OF STUDY
- 1.4 OBJECTIVES OF STUDY
- 1.5 HYPOTHESIS
- 1.6 METHODOLOGY
- 1.7 SOURCES OF DATA
- 1.8 LITERATURE REVIEW
- 1.9 PROPOSED CHAPTERISATION

### **CHAPTER-2**

#### **GEOGRAPHICAL INDICATIONS PROTECTION: INTERNATIONAL PERSPECTIVES**

- 2.1 PROTECTION OF GEOGRAPHICAL INDICATIONS :  
PRIOR TO TRIPS AGREEMENT
  - 2.1.1 THE PARIS CONVENTION
  - 2.1.2 THE MADRID AGREEMENT
  - 2.1.3 THE LISBON AGREEMENT
  - 2.1.4 BILATERAL AND PLURILATERAL AGREEMENT
  - 2.1.5 WORLD INTELLECTUAL PROPERTY ORGANISATION
- 2.2 PROTECTION OF GEOGRAPHICAL INDICATIONS:  
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- 2.3 DOHA DECLARATION - SPECIFIC PROPOSAL ON GEOGRAPHICAL

INDICATIONS

**CHAPTER-3**

**GEOGRAPHICAL INDICATIONS PROTECTION:**

**INDIAN PERSPECTIVES**

- 3.1 PROTECTION OF GEOGRAPHICAL INDICATIONS IN INDIA -  
LEGAL FRAMEWORK
- 3.2 AN ANALYSIS - GEOGRAPHICAL INDICATION OF GOODS  
( REGISTRATION AND PROTECTION ) ACT, 1999
  - 4.2.1 SOCIO-ECONOMIC PERSPECTIVES
  - 4.2.2 JUDICIAL PERSPECTIVES
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