Geographical Indications for Agricultural Products: Status and Prospects

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Abstract
Geographical Indications (GI) of goods/products are denotation of industrial properties which have a specific geographical origin and possess qualities or a reputation that are due to that geographical origin. Geographical indications are typically used for industrial products, handicrafts, and most importantly; agricultural products. GI tag for rice, Darjeeling tea etc. has not only brought recognition to the products but also has created opportunities of earning via export to the farming communities. The resources if diverted towards active promotion of the products would open wide spectra of development.

Introduction
Geographical Indications (GI) of goods/products are denotation of industrial properties which have a specific geographical origin and possess qualities or a reputation that are due to that geographical origin. To function as a GI, a sign must identify a product as have been originated in a given place. Also, the qualities, characteristics or reputation of the product should be essentially due to the place of origin. Since the quality of products depends on the geographical place of production, there is a clear association between the product and its original place of production. Geographical indications are typically used for industrial products, foodstuffs, wine, handicrafts, and most importantly; agricultural products. Under Articles 1 (2) and 10 of the Paris Convention for the Protection of Industrial Property, GI are covered as an element of Intellectual Property Rights (IPRs). They are also covered under Articles 22 to 24 of the Trade Related Aspects of IPR (TRIPS) Agreement, which was part of the Agreements concluding the Uruguay Round of The General Agreement on Tariffs and Trade (GATT) negotiations. India, being a member of the World Trade Organization, enacted the Geographical Indications of Goods (Registration & Protection) Act, 1999 which came into force with effect from 15th September 2003.

Rights Provided under GI and their Protection
A geographical indication right enables the ones having the right to use the indication to prevent its use by a third party whose product does not conform to the applicable standards. The right to use a protected geographical indication belongs to producers in the geographical area defined, who comply with the specific conditions of production for the product. For example, in the jurisdictions in which the Darjeeling geographical indication is protected, producers of...
Darjeeling tea can exclude use of the term “Darjeeling” for tea not grown in their tea gardens or not produced according to the standards set out in the code of practice for the geographical indication. However, a protected GI does not enable the holder to prevent someone from making a product using the same techniques for that indication. Protection for a geographical indication is usually obtained by acquiring a right over the sign that constitutes the indication. A GI is protected by three ways as follows-

- By so-called *sui generis* systems (i.e. special regimes of protection);
- By use of collective or certification marks; and
- Methods focusing on business practices, including administrative product approval schemes.

Two of the modes of protection- namely *sui generis* systems and collective or certification mark systems - share some common features, such as they set up rights for collective use by those who abide by defined standards. These approaches have been developed in accordance with different legal traditions and within a framework of individual historical and economic conditions. In many *sui generis* legislations, registrations for geographical indications are not subject to a specific period of validity. However, GI registered as collective and certification marks are generally protected for renewable ten-year periods.

**Difference Between a GI and a Trademark**

Geographical indications (GIs) identify a good as originating from a particular place whereas a trademark identifies a good or service as originating from a particular company or interprise.

A trademark often consists of a arbitrary sign. In contrast, the name used as a geographical indication is usually predetermined by the name of a geographical area. Finally, a trademark can be assigned or licensed to anyone, anywhere in the world but a GI may be used by any persons in the area of origin, who produces the good according to specified standards, but because of its link with the place of origin, a GI cannot be assigned or licensed to someone outside that place.

**GI Agricultural Products of India**

For obtaining GI for any product in India the application has to be filed before Registrar, Geographical Indications, headquartered at Chennai. The detailed guidelines for application for GI can be referred from website of Department of Promotion of Industry and Internal Trade, GOI at http://ipindia.nic.in/guidelines-gi.htm. Darjeeling tea was the first Indian product to receive a GI tag, in 2004–05 through the Indian Patent Office. Since then a lot many products have been GI tagged. The various agricultural products which have got GI are enlisted in the table 1.

**Benefits of GI Tagged Agricultural**

<table>
<thead>
<tr>
<th>State</th>
<th>Agricultural Product</th>
</tr>
</thead>
<tbody>
<tr>
<td>Andhra Pradesh</td>
<td>Guntur Sannam Chilli, Banaganapalle Mangoes, Araku valley Arabica coffee</td>
</tr>
<tr>
<td>Arunachal Pradesh</td>
<td>Arunachal Orange</td>
</tr>
<tr>
<td>Assam</td>
<td>Assam (Orthodox) Logo, Assam Karbi Anglong Ginger, Tezpur Litchi, Joha Rice of Assam</td>
</tr>
<tr>
<td>Bihar</td>
<td>Katarin Rice, Jardalu Mango, Magahi Paan (Betel)</td>
</tr>
<tr>
<td>Goa</td>
<td>Khola chilli</td>
</tr>
<tr>
<td>Gujarat</td>
<td>Gir Kesar Mango, Bhalia Wheat</td>
</tr>
<tr>
<td>Himachal Pradesh</td>
<td>Kangra Tea</td>
</tr>
<tr>
<td>India</td>
<td>Basmati</td>
</tr>
<tr>
<td>Jammu and Kashmir</td>
<td>Saffron (Lachha, mongra, guchhi)</td>
</tr>
</tbody>
</table>

Table 1: State wise GI tagged agricultural products
When a local product is given G.I. tag, it gets preservation and its value rises. The Geographical Indication registration confers the following benefits:

- Legal protection to the products.
- Prevents unauthorized use and exploitation of GI tag products by others.
- It helps consumers to get quality products of desired traits and which is assured of authenticity.
- Promotes the economic prosperity of producers of GI tag goods by enhancing their demand in national and international markets.

Along with the benefits, there are certain issues associated with GI tags as well. There has been a rise in disputes over the question of the place of origin of the product under consideration. This gets aggravated due to a lack of clear historical evidence. For example, the dispute over Darjeeling tea ran very long and had to be settled legally by court.

### Role of GI tagged Agricultural Products in Rural Development and Farmers’ Welfare

Geographical indications are mostly traditional products, produced by rural farming communities over generations that have gained prominence on the markets for their precise and distinct qualities. The recognition and protection of the markets of agricultural products allow the farming community to devote and maintain the precise qualities of the product on which the reputation is built. This might also allow them to invest together in promoting the reputation of the product. Some of the observed impacts of GI are:

- The supply chain is structured and strengthened around a common product reputation.
- Increased and stabilized prices of the GI product.

<table>
<thead>
<tr>
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</table>
Distributed through all the levels of the supply chain adds value.
• Natural resources can be preserved and sustained on which the product is based.
• Preservation of traditions and traditional expertise.
• Boosted tourism.

**Way Forward for GI**

The tag for geographical indications needs to be allotted only after a thorough historical and empirical inquiry to avoid conflicts. For products whose origin can’t be effectively traced, either both the states should be given ownership or none of the regions be provided with the GI tag. The focus of the states and the community needs to shift from mere certification for the sake of regional recognition and benefit and instead divert all resources towards active promotion of the products.

**Conclusion**

• Geographical Indications of Goods are defined as that aspect of industrial property which refers to the geographical indication referring to a country or to a place situated therein as being the country or place of origin of that product.
• Under Articles 1 (2) and 10 of the Paris Convention for the Protection of Industrial Property, GI are covered as an element of IPRs.
• So far many agricultural products ranging from field crops like rice; flowers, fruits etc. to plantation crop like tea have got GI in India.
• Typically, the GI tag conveys an assurance of quality and distinctiveness which is essentially attributable to the fact of its origin in that defined geographical locality, region or country.
• Promoters of Geographical indications regard them as strong tools for protecting their national property rights. Opponents, however, consider GI as a barrier to trade.