

Understanding Geographical Indications & Its Importance in Gujarat

Shrut Brahmbhatt*

Introduction:

Geographical Indication means, in relation to goods, as an indication which identifies such goods as agricultural goods, natural goods, or manufactured goods, as originating, or manufactured in the territory of country, or a region or a locality in that territory, where given quality, reputation, or other characteristic of such goods is essentially attributable to its geographical origin and in case where manufactured in the territory of country, or a region or locality in that territory, where a given quality, reputation, or other characteristic of such goods is essentially attributable to its geographical origin and in case where such goods are manufactured goods, one of the activities of either the production, or of processing or preparation of the goods concerned takes place in such territory, region or locality.¹ Simply GI means, as its name suggest, an indication of the geography from where a particular type of goods are originating.

TRIPS Agreement under its Art. 22.1 defines geographical indications as indications which identify a good as originating in the territory of a Member, or a region or locality that territory, where a given quality, reputation, or other characteristic of the good is essentially attributable to its geographical origin. India while implementing the TRIPS

* Research Associate, GNLU-GUJCOST IPR Research Centre, Gujarat National Law University, Gandhinagar.

¹ Section 2(1)(e), Geographical Indications Act, 1999.

promulgated the Geographical Indications Act 1999 to provide legal means for the protection of geographical indications. The Act provides for the registration and better protection of geographical indications relating to goods.

According to the Statement of Objects and Reasons, the Act aims to exclude unauthorized persons from misusing geographical indications would serve to protect consumers from deception, add to the economic prosperity of the producers of such goods and also promote goods bearing Indian geographical indications in the export market.

GI registration provides the registered proprietor and the authorized user the exclusive right to protect the registered GI on the specified goods. Monopolization of the market enables the producers to control prices, i.e., can charge premium prices, thereby enhancing profits.

It has been revealed that 80 % consumers are prepared to pay 20 – 30 % higher prices for goods they believe are having better qualities over other goods.²

In the context of India, being a developing Country, GIs can contribute to its foreign exchange. GIs have great potential to play a major role in trade between countries. GIs can be on Handicraft products, food products, and agricultural products of a specific region or geography. Protection of GI would also extend to the traditional knowledge and traditional cultural expression contained in the product, by doing which not only the livelihoods are protected but employment generation can be possible.

² <http://www.ipindia.nic.in/eLearning/GI.pdf>

Gujarat is a state with cultural diversity. It has a rich heritage and cultural traditions. The Gujarati Culture blends in arts, beliefs, customs, traditions, institutions, inventions, language, technology and values.³ Gujarat has nine registered GIs: Sankheda Furniture, Agates of Cambay, Kutch Embroidery, Tangaliya Shawl, Surat Zari Craft, Gir Kesar Mango, Bhalia Wheat, Kachchh Shawls, and Patan Patola; amongst which some are registered along with Logos. There has been several other Applications for registration of GIs in Gujarat, Some of which are pending, some are withdrawn and some are refused. Gujarat is rich with several other products that can be registered as GIs; Some of Such Potential GIs can be in these products *Surat no Locho*, *Surat ni Ghari*, *Surat's Diamond Designs*, *Rajkot's Jewelry designs*, *Rajkot's Silk Embroidery*, *Bengals of Bagasara*, *Mabudi ni Sukhadi*, *Pilvai nu Kacchhariyu* etc. These are just examples but there are various other products that are potential products which can be registered as GIs. A research in this area is indeed required and the producers/manufacturers of such potential products can be made aware about the potentiality of their products and so as to spread awareness about the GI which in return can definitely strengthen the economy of the country.

³ <http://www.gujaratindia.com>