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THE COMMERCIAL ASPECT OF GEOGRAPHICAL INDICATIONS (GIS) IN INDIA: BARRIERS, PERSPECTIVES AND THE WAY FORWARD

By- **Dr. Suparan**[1]

ABSTRACT

This study intends to macroscopically examine the working of GI protection in India, with a prime focus on the purposes that we sought to fulfil by registering such GIs and the barriers in achieving such protection. A Geographical Indication (GI) is a label applied to goods or services with a particular geographic origin and qualities or reputation derived from that location. In India, the GI concept and the preservation of its rights are relatively recent concepts. However, since the GI Act in India entered into force in 2003, 658 GIs have been registered. There has been widespread GI registration in India; however, it is important to consider whether the goal of GI registration has been lost in the rush to register more GIs. A product receives a GI tag because of its country of origin. A product's quality, traits, and reputation are influenced by its country of origin. The GI law serves a variety of goals, including providing a sense of identification and security so that other manufacturers who do not reside in that region cannot deceive consumers by claiming a different origin. In addition, GI registration is primarily done to help producers obtain higher prices for their products, but

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obtaining a high price is a difficult undertaking. It entails several stages, including developing a strong brand, registering and promoting Indian GIs abroad, ensuring product quality, and raising enough money for GI management. This paper examines the aforementioned actions to be followed after the registration of the GI, as well as the challenges encountered and solutions offered. The paper concludes with some suggestions and a possible way forward, keeping in mind the overall evolution and integration of such protection into the mainstream.

KEYWORDS: Geographical Indications, GI goods challenges, collective marks, brand building, post registration challenges, confusion.

- **Introduction**
- **GI Tags and Traditional Knowledge**
- **Economic Potential of Geographical Indications**
- **India's Position in GI Registration**
- **Roadmap after GI registration**
- **Dilemma Following Registration: Problems and Worries Post Registration.**
- **Conclusion**

I. INTRODUCTION:

Geographical Indication (GI) Tags are indicators that associate products with certain regions or places. GIs mainly protect the traditional knowledge, cultural heritage, and identity of the product's origin, preventing imitation and promoting its unique qualities in the market. India has long been known for its traditional knowledge, skills, culture, and other attributes.[2] Geographic indications (GIs) are labels applied

[2] World Intellectual Property Organization, *Geographical Indications*, http://www.wipo.int/en/web/geographical-indications (last visited Jan. 21, 2026).

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to products with a specified geographical origin and characteristics or reputation that are distinctive to that location. Agricultural goods often possess characteristics that are unique to the region in which they were grown and are affected by local elements such as soil and climate. The origin may be a village, town, region, or nation. Because it is a unique privilege granted to a certain community, all members of the community profit from its registration. Indications are signs or names used on items to identify their place of origin. A GI denotes that a product has certain qualities, traits, or a reputation because of its geographic provenance. India drafted its GI legislation after agreeing to the TRIPS Agreement.[3] India's responsibility under the TRIPS Agreement was the cause of this and it is named as 'The Geographical Indication of Goods (Registration & Protection) Act, 1999.[4] Hereinafter, Geographical Indications will be referred as 'GI' and the Geographical Indication of Goods (Registration & Protection) Act, 1999 as the 'GI Act' purely for convenience.

Before this legislation, other aspects of trademark law, such as certification trademarks (CTM) and collective trademarks, dealt with GI-related issues.[5] Essentially, this means that a certification mark is typically not used by the mark's owner but rather by authorized users.[6] The mark's owner will certify the goods and services that other people will use in their businesses, but they cannot certify their own use of the goods and services. With regard to the interests of the manufacturers of the goods or services it certifies, the owner of a certification mark will have a "duty of impartiality (neutrality)". Additionally, passing off as a common law remedy has been applied in several instances. After the advent of this law, there have been large numbers of GI registrations, the most recent being 'Woraiyur cotton sari'

[3] *Module IV Geographical Indications*, WTO, https://www.wto.org/english/tratop_e/trips_e/ta_docs_e/modules4 _e.pdf (last visited Feb. 14, 2026)
[4] The Geographical Indication of Goods (Registration and Protection) Act, 1999, No. 48, Acts of Parliament, 1999 (India).
[5] The Trade Marks Act, 1999, No. 47, Acts of Parliament, 1999 (India).
[6] *Id.*, s 2(1)(e), ss 69-78 (India).

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under the Handicraft category and 'Thooyamalli rice' under Agricultural Category from Tamil Nadu.[7]

The two primary goals of the GI are protection against false information and product dilution. It can guard against consumer fraud and protect producers from losing their market standing and reputation. Additionally, the GI has a public interest policy that seeks to increase the socioeconomic standing of producers by commanding a higher price. To accomplish this socioeconomic growth, however, a number of procedures must be performed, starting with the search for a prospective GI product and ending with the submission of a thorough GI application and registration. It is pertinent to mention that the effort is not over after registration; the actual work then begins. There are major issues that must be resolved for GI registration to be successful, including brand building, methods for registering and promoting Indian GIs abroad, funding issues, and quality control concerns.[8]

II. GI TAGS AND TRADITIONAL KNOWLEDGE:

GI tags help protect traditional knowledge in several important ways. First, they provide legal protection by preventing other communities, businesses, or individuals from using the name, logo, or any other information related to traditional knowledge. This protection prevents the unauthorized use and exploitation of traditional knowledge and keeps it within the community. Second, GI tags bring recognition and value to traditional knowledge within and outside the community. This promotes the idea that traditional knowledge is worthy of protection and provides economic opportunities for its holders. Additionally, with the fear of commercial exploitation gone, GI tags encourage communities and individuals to

[7] Sangeetha Kandavel, *Woraiyur cotton sari, Kavindapadi nattu sakkarai, Namakkal soapstone cookware among five T.N. products to get GI tags,* The Hindu, (Dec. 2025) https://www.thehindu.com/news/national/tamil-nadu/woraiyur-cotton-sari-kavindapadi-nattu-sakkarai-namakkal-kalchatti-thooyamalli-rice-ambasamudram-choppu-saman-get-gi-tags/article70348654.ece

[8] May T. Yeung & William A. Kerr, *Geographical Indications, Conflicted Preferential Agreements, and Market Access,* 16(2) J. Int. Economic Law 409-437 (2013).

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innovate and explore new products, processes or methods for improving the quality of the products. GI tags not only protect the intellectual property of traditional knowledge but also preserve the cultural heritage of the community. They help reinforce the community's identity and its cultural legacy. GI tags provide an organized legal framework that keeps such traditional knowledge within the community and prevents unauthorized commercial use.GI tags help protect traditional knowledge by providing legal protection, recognition, and value, encouraging innovation, and preserving the cultural heritage of the community. [9]

Commercial Exploitation of GI Tags

Promoting or encouraging commercial exploitation of such resources and knowledge may violate any laws or ethical standards. However, there are ways GI tags can be commercially exploited in a legal and ethical manner. GI tags can help local artisans, craftsmen, and farmers create unique and high-quality value-added products that can be sold in the domestic and international markets at a premium price. For example, a GI-tagged hand-woven textile from a particular region could be turned into fashionable clothing, home decor items or even luxury goods. GI tags can help promote a particular region or location as a tourist destination by highlighting its unique cultural, culinary, or natural heritage. This can encourage people to visit the area, stay longer, and spend more money on local businesses and products. GI owners cannot license or franchise their brand or product to other manufacturers or retailers who are willing to pay a fee to use the GI name or logo. This can help in scarcity and promotion of the GI product or brand beyond its original location and generate additional revenue for the GI owner. GI owners can form strategic partnerships with other businesses or organizations that share their values or goals. For example, a GI-tagged coffee brand could partner with a fair trade organization

[9] C J Visser, Making intellectual property laws work for traditional knowledge, in *Poor People's Knowledge: Promoting Intellectual Property in Developing Countries* (J.M.Finger & Philip Schuler eds. World Bank Publications, 2004).

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or an environmental group to promote sustainable and ethical production practices. It is important to note that any commercial exploitation of GI tags should be carried out in a way that respects the intellectual property rights of the GI owners and benefits the local producers and communities that contribute to the product's quality and authenticity.[10]

Importance of GI Tag

A GI tag is a designation used to identify a product as originating from a specific geographical location and having unique qualities, reputation, or characteristics due to its geographical origin. The importance of the GI tag is significant for several reasons. GI tag provides legal protection to traditional products, preventing others from using the same name and misleading consumers. Along with preserving and promoting the cultural heritage and traditional knowledge associated with a product, GI tag enhances the market value of the product providing a premium price due to its unique origin and quality. It can stimulate local development and job creation in the area of origin, boosting the local economy. GI tag supports fair trade practices by ensuring that the producer receives a fair price for the product, and the consumer receives a quality product.

Benefits of GI Tags

The purpose of granting the Geographical Indication (GI) tag is to protect and promote the uniqueness of a specific product associated with a particular region or place. It is used to indicate that the product originates in a specific geographic region, which gives the product distinctive qualities, characteristics, and reputation, depending on the natural and human factors involved in its production. The GI tag provides legal protection to the products that bear them, preventing imitation, imitation products, harmful products and unfair competition. This, in turn, helps

[10] Colombian Coffee Federation (FNC), *Making the origin count: The Colombian experience* (Sept 2010) World Intell. Prop., http://www.wipo.int/ipadvantage/en/details.jsp?id=2617

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enhance the economic value of products, promote rural development, create job opportunities, and preserve cultural diversity and traditional knowledge. When a product receives a GI tag, it provides legal protection to the producer against imitation, infringement, or the use of the designation of origin by an unauthorized person. GI tags are crucial for protecting the integrity of these products and ensuring that customers receive the original product from a specific origin, ensuring quality and promoting exports. This not only provides a unique selling point for traditional products but also boosts tourism in various regions, promoting local economies. With the increasing demand for authentic, organic products, GI tags make them more attractive to consumers in national and international markets.

III. ECONOMIC POTENTIAL OF GEOGRAPHICAL INDICATIONS:

The GI Act's preamble has two goals for the law: The first is GI registration, and The second is improved GI protection.[11] There are already 650 registered GIs in India,[12] So the first objective is clear, but the Act makes no mention of the second goal, which is to give GIs stronger protection. Therefore, it may be concluded from reading the Act and the Rules that stronger protection of GI entails greater rights for GI proprietors and consumers to utilise their items and guard against infringement.

A GI tag acts as a trademark, protecting the product and ensuring that only products that meet certain standards can be marketed as such. Premium pricing is the practice of charging a higher price for a product due to its perceived value, uniqueness, and quality. Products with GI tags often command premium prices due to their association with specific regions, and the unique qualities and characteristics that are attributed to that region. One of the key benefits of GI tags is that they help protect traditional products and cultural heritage. They ensure that only products that meet

[11] GEOGRAPHICAL INDICATIONS, *supra note 3*, Preamble, An Act to provide for the registration and better protection of geographical indications relating to goods.
[12] Off. Controller Gen. Patents, Designs & Trade, *Details of GI Applications*, (March 2025), https://ipindia.gov.in/writereaddata/Portal/Images/pdf/State_wise_Registered_GI_of_India_26_07_2024.pdf

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certain standards can be marketed as having a specific origin, thus preserving the cultural heritage and traditional knowledge associated with that product. Additionally, stronger protection necessitates that the GI tag on the items serve as a tool for the product's identification and popularity, which will let the product command a higher price. The manufacturers of the GI product and other stakeholders will see favourable socioeconomic developments as a result. It is crucial to have a sound plan in place in order to achieve the aforementioned goal.

Finding a viable and promising GI product is unquestionably important. But it's equally crucial to realise that getting a GI product registered is just the beginning of the success journey. The next processes, such as brand building (raising consumer knowledge of the product, marketing, advertising, popularising it, etc.), which requires adequate funding, registering and advertising the GI in significant overseas markets (countries), and keeping a constant level of product quality, are more difficult yet crucial cornerstones. If properly implemented, the Geographical Indications tag may be a fantastic instrument for enhancing the worth of MSMEs (particularly in the handicraft sector), who are predicted to benefit financially from higher sales, altered pricing levels, improved quality, and profitability. It supports and advances society as a whole while helping to cultivate and strengthen ethnicities and talents. Developing nations can promote and strengthen their potential regions to pump up for holistic development by integrating GI with TRIPS and WTO.[13] There are stages to product development and making it a brand. The GI tag and the protection attached, will be of no use if no one is aware about it and there is no one to buy it.

The crucial need is to identify the markets, who are your ideal customers? That needs to be identified first. If you say "everybody" you are making a very big mistake. Study unequivocally demonstrates that high growth, high profit businesses

[13] Carla Sangiovanni, Geographical Indications Under the WTO/TRIPS Agreement: A Critical Assessment of the Extension of the Additional Protection (Article 23) Beyond Wines and Spirits, 4 *Perth Int'l L. J.* 141-153 (2019).

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place a great priority on having well defined target markets. The rate of growth increases with narrower emphasis. The marketing efforts will be diluted the more diversified ones target audience is. How do you tell whether your target market is the proper one? The next stage is where that fits in. The market share of the major importers should also be considered. Interviews with importers, retailers, distributors, and associations are part of primary research that may be very helpful. The primary data can be confirmed with the aid of secondary data sources, such as public data. Season, event, and other cultural variables can also be taken into consideration.

There is a need to conduct thorough research on the target clientele as it helps in developing more quickly and gaining profitably. Understanding your target client's perspective and goals can help one in anticipating their demands and craft a message that will appeal to them. It also reveals the opinion of the market towards your product or the ease its availability is going to bring. This significantly reduces the marketing risk connected to brand creation. Delivery speed, product variety, inventiveness, quality, price, marketing techniques, and service, among other critical variables can be highlighted in the same survey.

IV. INDIA'S POSITION IN GI REGISTRATION:

India ranks on the verge of reaching the top five in the world, in terms of the number of registered GIs, after the European Union, and countries like China, Germany, Portugal, etc. However, there is an immense need to grant more GI Tags in India to help the Indian economy prosper further, India has so much more to give to the world. The Indian economy is a diverse and complex mix of sectors and industries. However, with a huge rural economy and GDP contribution, there is immense emphasis on market differentiation through handmade, traditional, and organic

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products. [14] India is home to many artisanal and agricultural products that have unique characteristics and are produced using traditional techniques. Some examples include Sundarban Honey, Tirupathi Laddu, Mahabaleshwar Strawberry, Chunar Glaze Pottery, Hand Made Carpet of Bhadohi, and Kancheepuram Silk Sarees. With an increased number of GI tags, the Indian economy can witness an increase in employment and income opportunities, especially in rural areas. The rural economy of India, consisting mainly of agriculture and allied activities, could benefit significantly from the protection and recognition of GIs, given the various indigenous products and handicrafts that can benefit from the provision of GI tags. This, in turn, will lead to the decentralization of industries, making them more inclusive and profitable. GI tags can also be a powerful marketing tool that can facilitate the global promotion of Indian products. Exports from India would benefit from GI tag recognition as it would enhance India's reputation in export markets, adding to its economic growth. Granting more GI tags in India can be a key driver of boosting the Indian economy at various levels. It can promote the preservation of traditional cultural heritage, increase tourism, boost exports, ensure quality control, and facilitate the global brand recognition of Indian products. GI tags also play an important role in promoting local development. By protecting and promoting traditional products, GI tags can stimulate local development and job creation in the area of origin. By recognizing several unique products of India through GI tags, India can establish a high-quality reputation in the world market, leading to economic prosperity and inclusivity across rural and urban India. This can lead to a boost in the local economy, as well as the preservation of local skills and traditions.[15] In addition, GI tags can also help support fair trade practices. However, there are also some challenges associated with GI tags. For example, the process of obtaining a

[14] Sohini Dey, Inside India's race for the GI tag, The Hindu, (Oct. 2025), https://www.thehindu.com/life-and-style/inside-india-race-gi-tag-geographical-indication-policy/article70188703.ece#google_vignette

[15] K. Das, (2009, August). *Socio-economic implications of protecting GIs in India*, Centre for WTO Studies, Indian Inst. of Foreign Trade, http://wtocentre.iift.ac.in/Papers/GI_Paper_CWS_August%2009_Revised.pdf

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GI tag can be complex and time-consuming, and there can be disputes over who has the right to use a specific GI tag. The inclusion of a method to guarantee that the standards, quality, integrity, and consistency of the items to which the GI pertains, which are maintained by the producers, maker, or manufacturers of the goods, as the case may be, is provided by rule 32(1)(6)(c) in India.[16] Additionally, it stipulates that information regarding the inspection structure, if any, that will govern the use of the GI in relation to the goods for which the application is made in the specific territory, region, or locality mentioned in the application, must be included when filing GI applications. The wording of the section also somewhere refers to the inspection structure not being required for quality control. Giving specifics regarding intended quality control procedures is frequently thought to be sufficient to obtain GI registration.

The GI Registry must effectively apply pressure to ensure that these requirements are met. The good news is that certain GI's are moving in this manner. One such prime example is Darjeeling tea. Darjeeling tea export certification is a feature of the inspection framework system. All exporters are required by the system to get a licence from the Indian Tea Board. The licensee must submit details on the tea's manufacturing, sale, etc. Thus, the Tea Board may learn how much genuine tea is produced. Only after thoroughly examining the data and the garden invoice number is the export certificate authorised. Customs have been instructed to only permit shipments of items bearing a certificate from the Board. This guarantees that the nation exclusively exports authentic Darjeeling tea.

In conclusion, GI tags play a crucial role in protecting and promoting traditional products, supporting local economies, and fostering fair trade practices. They help ensure that unique and high-quality products receive the recognition and protection they deserve, while also helping to preserve cultural heritage and promote local

[16] The Geographical Indications of Goods (Registration and Protection) Rules, 2002 G.S.R. (Mar. 2002) (India).

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development. It can promote GIs by registration in foreign countries, using content marketing strategy and exploring other channels. Some significant channels for exporting GI products include direct marketing, pre-importation promotion, and participation in trade shows. Other crucial techniques include publicity and internet advertising. Leading fair trade organisations include the FTF, EFTA, NEWS, and FTA.

V. DILEMMA FOLLOWING REGISTRATION: PROBLEMS AND WORRIES POST REGISTRATION:

There is an immense need to establish an agency for quality control. If a neutral, independent organisation is chosen to monitor and uphold the GI-denominated item's quality criteria once the GI has been registered, the law in India may be enhanced. It should be highlighted that the existing legal structure lacks teeth because the current GI Act does not subject inspection bodies to responsibility should they fail to undertake verification to examine conformity with the linked GI's product standards. If consumers or members of the collective group authorised to use the GI are only able to hold a member of the group responsible for failing to uphold the quality standards of the products by filing an application to remove the non-complying member from the list of authorised GI producers under the Act, this could result in a more serious approach to production quality.[17] It has occasionally been claimed that well-known GI-denominated products are losing customers to imitation goods offered by the so called "insiders."

Additionally, the availability of less expensive imported raw materials is encouraging the selling of low-quality goods. These goods are distributed to unsuspecting customers who continue to buy products bearing the GI logo and are therefore persuaded to pay inflated rates for goods that no longer possess the same

[17] GEOGRAPHICAL INDICATIONS, *supra note 3,* s 27.

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qualities as the real GI-denominated goods. Regular meetings with the producers to discuss the quality and occasional surprise visits might be helpful in this respect.

As was evident in the Colombian coffee case, the growers group FNC recognised that if quality is not maintained, the entire process will be unsuccessful. In 1959, they began an endeavour to teach farmers in quality maintenance. The initiative comprised a plan whereby coffee experts and technicians would regularly visit the farmers and inform and teach them on new technologies, procedures to maintain consistent quality, and guidance on how to achieve the certification mark's standards. With such a strong focus on quality, it was observed that their client base rose in nations like the US, Canada, and Spain. [18] It could be argued that the Indian GIs regime encourages a system of "Vanity GIs," where the registration of GIs is seen as a means of brand promotion and an end in itself, with little consideration given to the close ties between the registration of GIs and the quality control that should come after the registration. The quality assurance that GIs stands for is not the main focus. It's critical to comprehend the relationship between customer demand for high quality and how it affects the economics of GIs.

Funds are yet another crucial factor to consider during the post-registration phase. Money is crucial, especially when creating a brand. As previously said, the majority of GI owners in India have made very few or no efforts to establish their brands. The biggest obstacle cited for commercials and other brand-building strategies is a lack of funding. It's crucial to realise that GI will never be successful without brand building. Therefore, the owner must devise a strategy for raising money. Since the entire point of GI is defeated if they do not have money afterwards, they should preferably discover ways to do so at the beginning of the enrollment process. It follows that many GIs are dealing with these financing issues. This conclusion may be explained by the fact that, of the half a thousand GIs that are registered in India,

[18] *Ibid.*

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only few are recognised on a national or international basis, most are unknown outside their domestic area. If brand building had been done, many GIs would already be well-known on a national basis at least.[19] Mostly the proprietors are Indian PSU or the group of people who are well versed in their art, like in case of Channipura toys but they lack the skills of marketing their products or developing it into a brand. If one will talk with the GI holders of many items the common response which one gets is that marketing and publicizing their product isn't their domain. The majority of these organisations noted somewhere that obtaining funds is a significant hurdle. There are only four types of applicants for GI in India: Associations of people, Associations of producers, Organisations created by or according to any legislation currently in effect, and Any authority established by or pursuant to any law currently in effect.[20] It is crucial to mention at this point that organisations or authorities created by or operating under any law currently in effect (last 2 categories) make up the majority of GI owners in India. For brand development, promotion, and other marketing activities as well as for filing infringement claims, registering overseas, and engaging a watchdog to continuously scan the markets for counterfeit/infringing items, adequate funding is crucial. The GI Registry should also consider the eligibility of the proprietor, their ability to effectively administer the GI product after registration, how they plan to get funding for activities following registration, and other factors. GI registration should only be given following a comprehensive review.

VI. CONCLUSION:

[19] Ayanta Ghosh, Oishika Banerji, Navajyoti Samanta & Ashish Bhargava, *Geographical Indication (GI) Laws in India and Its Implementation: A Critical Appraisal*, 30 J. Intell. Prop. Rts. 304 (2025).
DOI: 10.56042/jipr.v30i3.9953
[20] GEOGRAPHICAL INDICATIONS, *supra note 3*, s 11(1).

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There is still more work to be done in India when it comes to GI products. To sum up, just 650 GIs have been registered but that is insufficient. There needs to be more focused effort and the success of any GI depends heavily on the coordination and cooperation of the GI proprietor in order to complete the post-registration processes. As was already mentioned, the GI law's main goal is to raise the product's price because the GI label guarantees the product's origin and a particular distinctive quality or attribute. Therefore, awareness of the presence of a product is required to command this premium price. For example if someone wants to buy an authentic Indian Shawl of admirable quality but he/ she isn't aware that there is something called Kullu Shawl or Kashmir Pashmina exists, then even if they have high purchasing power and does not mind spending a little more money for shawl (winter garment) of higher quality, how will they purchase it? The qualities of the product should be highlighted when raising awareness. For example, if someone uses the 'basmati' rice in making idlis he will never get that authentically delicious idli taste as these rice are famous for biryanis and regular eat because of their long grain size and different aroma. However, a typical consumer who is unaware of the unusual quality of rice could experience extreme dissatisfaction if he utilises it to make idli due to his ignorance or lack of knowledge. Therefore, raising awareness of the product and emphasising its unique qualities or traits are crucial. A number of actions need to be made in order to establish a brand, including advertising and participation in expos and trade shows. This costs a lot of money. Therefore, resources are also essential during the phase after registration. Therefore, the GI owners and producers need to discover ways to raise money. The development, promotion and strengthening of a GI after the grant of the tag is as important as it was before such a tag. Moreover, the government should be able to provide financing as well. Maintaining the GI product's constant quality is another crucial element. The requirements for a product's quality must be defined, and all producers are required to abide by them. After the grant of the tag maintaining that premium quality is quintessential. The GI product will inevitably fail if consistent quality is

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not maintained. Therefore, the GI stakeholders must exercise caution and put up an inspection framework right once to aid in quality control and assessment. The reputation of the GI product might be damaged by even one maker or user who does not adhere to quality requirements. The GI law's actual intent can only be realised if the aforementioned procedures are followed precisely, hence making the 10,000 GI registration goal of Government of India a reality.

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