

Geographical Indication as Credible Intellectual Property Asset for Agricultural Development: Indian Perspective

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ABSTRACT

The WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) defines "Geographical Indications" as indications that identify a good as "originating in the territory of a member, or a region or locality in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographic origin. Protection of geographical indications in agricultural sector will be a model for development of the sector as GIs have the enormous potential to provide a range of benefits to the producers of that region. These benefits include improved market access, higher incomes or premium prices and increased employment.

The TRIPS agreement in 1994 holds significant importance for the cross-border protection of GIs. GI protection in the TRIPS agreement are covered in Articles 22 and 23. In 1999, India had enacted the Geographical Indications of Goods (Registration and Protection) Act and 320 products have received GI (Geographical Indication) registration as on March 2018. Darjeeling Tea, Basmati Rice, Goa Feni, Gir Kesar Mango, Nagpur Orange, Bhal Wheat, Mahabaleshwar Strawberry, Nashik Grapes, Malabar Pepper etc. are the few GIs to be named in the agricultural sector which are making significant contribution in the basket of agricultural export.

The key objectives of the study were to undertake a review of literature for identifying successful GI agricultural products in India fetching premium prices in international market and other economic benefits; the challenges associated with the use of geographical indications (GIs) to promote agricultural products in the market and to recommend suitable strategies for brand building and marketing of GI products in Indian and international markets.

However, the key challenges include the process of registration which takes years and requiring legal assistance and financial resources which are beyond the capacity of small producers. Further, in the post-registration phase, there are significant costs which are inevident such as ensuring the recognition of GI in the market place, as well as the cost of monitoring and enforcement.

Key words: Geographical Indications, Agricultural Development, GI benefits, TRIPS.

INTRODUCTION

Agriculture being predominantly the broadest sector of the country, it is not astonishing that more than one-fourth of the registered GIs are agricultural products. A geographical indication (GI) acts as an intellectual asset that helps producers differentiate and position their products from competing products in the market and enable producers to build a reputation and goodwill around their products to fetch a premium price. The potential economic benefits of GI registration have been attested by a number of relevant studies. A consumer survey undertaken in the European Union in 1999 found that 40 per cent of the

consumers would be willing to pay a premium price of 10 per cent for origin-guaranteed products (WTO, 2004). Though, GI concept is yet to mature in India, according to study of United Nations Conference on Trade and Development (UNCTAD), agricultural products can fetch a price premium of 10-15 per cent with GI status whereas it would be 5 to 10 per cent for non-agricultural products (Das, 2009).

The concept of geographical indication was evolved in nineteenth century in Europe. The current international framework is set down in Article 22 of the Trade Related Aspects of Intellectual Property Rights (TRIPS) Agreement that mandates member countries to provide for the

protection of all GIs, where the obligation is for members to provide the 'legal means for interested parties' to secure protection of their GIs. The TRIPS defines GIs as 'indications which identify a good as originating in the territory of a member, or a region or locality in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin' (Article 22).

Under Article 22, the scope of protection is composed of three aspects:

- Protection against the use of indications that mislead the public or are deceptive;
- Protection against the use of indications in a manner that are acts of unfair competition;
- Refusal or invalidation of trademarks that contain or consist of indications, where it may mislead the public.

Article 22.2.a prohibits the use of indications (words, phrases, images or symbols) that will mislead/ deceive the public about the good's geographical origin. Article 22.2.b prohibits any use of GI that constitutes an act of unfair competition as defined in Article 10bis of the Paris Convention. The language of Article 10bis indicates that in order to prohibit such acts as acts of unfair competition, it has to be established that their use is misleading or will create confusion to the public, and that damages result or there is likelihood of damages resulting from such use of GI. As per Article 22.3 of TRIPS, registration of GI as trademarks shall be refused or invalidated at the request of an interested party, if their use is likely to mislead the public as to the true place of origin. Most countries including developing countries disallow the registration of geographical names as trademarks, unless these have attained secondary meaning.

The TRIPS Agreement provides for two levels of protection for GI. What Article 22 provides is the basic level or a minimum standard of protection whereby all GI must be offered protection against use which would deceive the public or

constitute an act of unfair competition. The second kind of protection, in Article 23, is a higher standard of protection specifically for wines and spirits. This article confers protection on GIs on wines and spirits per se or in absolute terms, without requiring any test of confusion or likelihood of deception to be met. In the special case of wines and spirits, Article 23.1 of TRIPS prohibits the use of translations of GI or attachment of expressions such as 'kind', 'type', 'style', 'imitation' to products not originating from the place indicated, even where the true origin is clearly indicated.

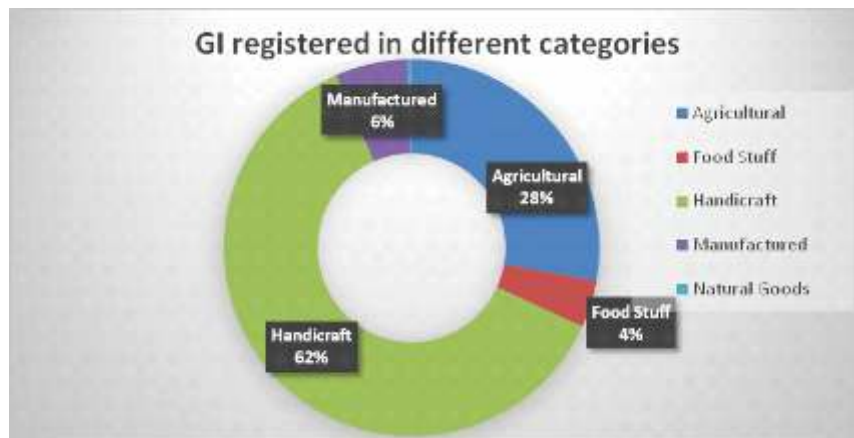
The legal framework in India

As a party to the TRIPS Agreement, India is required to protect GI and hence in order to fulfill that obligation, the Geographical Indications of Goods (Registration and Protection) Act, 1999 was enacted. The main benefits which accrue from registration under the Act are as follows:

- Confers legal protection to GI in India;
- Prevents unauthorized use of a registered geographical indication by others;
- Enables seeking legal protection in other WTO member countries.

From the point of view of a developing nation, outstanding amongst other highlights of the Indian Act is the exhaustive definition given of GI, whereby agricultural, natural and manufactured goods all come under the ambit of GI. This is particularly vital in the Indian context considering the wide assortment of goods which deserves the protection for agricultural products like Basmati Rice, Darjeeling tea, Malabar Pepper, Goa Feni, Nashik Grapes, Nagapur Oranges, Gir Kesar Mango, Bhalia Wheat to manufactured goods such as Banrasi sari, Kolhapure chappals, Chanderi silk etc. Section 11 of the Act provides that any association of persons, producers, organization or authority established by or under the law can apply for registration of a GI and can protect GI indefinitely by renewing the registration after a period of ten years when it expires.

India's Experience with GI Protection



Section 25 of the Act endeavors to prevent misappropriation of a public asset in the nature of a GI by an individual as a trademark. Further, as indicated by section 24 of the Act, a GI cannot be assigned or transmitted. The Act perceives that a GI is a public property of the producers; and it cannot be assigned, transferred, licensensed, pledged or mortgaged.

Since the first Indian GI was registered in 2004, 321 GIs have been registered with the GI Registry of India till March 2018. Of these, around 62 per cent (more than half) are handicrafts, more than one fourth (28 per cent) are agricultural products, and the remaining 10 per cent are food and manufacturing products (Figure 1).

As regards of geographical distribution of GIs in India, most GIs have been registered from the southern states as Karnataka has been the forerunner in registration of GIs with 39 GI tags followed by the states of Maharashtra (30 GI tags), Tamil Nadu (28 GI tags) and Kerala (27 GI tags).

Impact of GI registration in India:

In context of developing countries, a number of observers point out that GI may be more amenable out of all the intellectual property rights. GIs may especially facilitate protection of the collective rights of the rural and indigenous communities in their indigenous knowledge, ensuring that the entire community which has

preserved the knowledge and has passed it on with incremental refinement over generations, stand to benefit from the knowledge and that this is not locked up as the private property of one individual (Sahai and Barpujari, 2007). Other advantages of GIs are that the knowledge remains in the public domain, the scope of protection is limited to controlling the class and/ or location of people who may use the protected indication and the rights can potentially be held in perpetuity as long as the product-place link is maintained (Commission on Intellectual Property Rights, 2004). Also, holders of a GI do not have the right to assign the indication, thus, preventing its transfer to non-locale producers.

Evidence on the socio-economic impacts of GIs in the Indian context are, however, limited although anecdotal evidence suggests that GIs have significant implications for producers in developed and developing countries (Jena and Grote, 2007). In India, there are many GIs that are registered in the names of some central or state government departments or bodies, yet there is no homogeneity among those initiatives and involvements across states. A number of studies have also found that GIs could lead to exclusion of many from enjoying the benefits (Gopalakrishnan et.al (2007), Rangnekar (2009)). Firms with better bargaining positions may also end up making disproportionate share of the economic value generated from securing protection (Rangnekar, 2004).

Geographical Indication- A Model for Development

As a model for development, protection through geographical indications will have the potential to provide various benefits to the region of its origin and opportunities to the producers. The benefits range from having different new sociocultural values for traditional and indigenous assets to the more straightforward economic gains resulting from increased employment, higher incomes and improved market access. There may be even indirect benefits like, improved local governance, tourism stemming from heightened recognition of the name and place through mean of GI, as well as increased land values and possible complimentary offerings such as other regional products riding on a GI's reputation. At the international level, benefits can translate into unique forms of differentiation and competitive advantage that are difficult to erode (Kaplinsky & Fitter, 2004).

In these ways, GIs can serve as conceptual frameworks to drive an integrated form of multifunctional rural development. GIs can go beyond a single product focus and facilitate progress that is multifunctional in character (Sylvander & Allaire, 2007).

GIs could also help in preventing bio-piracy and piracy of traditional knowledge as well as helping to protect traditional production methods such as seed selection and food conservations practices. GI production systems and processes would promote conservation of natural vegetation and forested areas which would in turn benefit ecosystem and landscape conservation which will establish strong links between products and culture in addition to benefit rural development

Majority of product of GIs are for agricultural products and reference traditional or cultural knowledge which puts them in a category of intellectual property that theoretically should favour agricultural economies and developing countries in particular. In fact, there are only limited

numbers of developing countries those who have taken advantage of the opportunities available to them, and most have not benefited much at all.

Potential Benefits of GI

On the perusal of the literature available the inferencedrawn and analysis made that the society will be benefitted on various aspectsas given below:

Economics

GI protection will help in localized production,there will be increase in demand and premium prices will lead to increased revenue.

Employment

With the increase in production and demand, there will be more employment and less ruralemigration (Vats,2016).

Governance

With the more tagging of geographical indicationsthere will be increased role of government andregulatory bodies for protection of their interest aswell for their promotion and it willalso promote the regionalcooperation and local institutional empowerment (Vats, 2016).

Environment&Culture

This will also help in biodiversity conservation;environment preservation and common resources ofthe region.Protection of more GI will promote thepreservation of quality and traditional know-how ofthe locality for processing and production. It opensthe door for inclusion of more products related to thegeography, climatic conditions etc. (Vats, 2016).

Educational

This will also promote the awareness of heritage andvalue the nature and intellect and motivate indissemination of belongingness and education friendly.

Societal

Protection of geographical indications will

certainly upgrade the living standard, per capita income and educated society. (Naresh Kumar Vats, 2016)

Export Differentiation

Advocates of GI tags claim that it is a tool in the hand of exporters, which can be used to classify your produce and supplies at levels above your foreign competitors'. "GI can be a valuable tool for export differentiation. As much as 85% of French wine exports use GIs on their labels, as do 80% of all spirits exported from EU. In exporting, GI can be valuable by 'setting the bar' or becoming the standard reference for that product in its distribution chain. In certain instances, national and international retailers have made the designation a condition of their agreeing to carry the product," states a WTO report titled, 'Geographical Indications: Linking products and their origins'(Manisha Chaudhary, 2016).

GI and Rural Development

The GI products may bring value for area or region; it can create employment opportunities that can intimately help to uplift socio-economic condition of inhabitants which further prevent rural exodus to urban area. The publicity of a GI can enhance identity of area or region or locality. Therefore, GIs are regarded as a factor for rural socio-economic development and for strengthening economy (Carina Folkesson).

India's GIs:

Case Study 1: Darjeeling tea, Darjeeling district, West Bengal

Darjeeling tea is world famous and is a standout amongst the most costly teas in domestic as well as international markets. It is known for its distinct flavour and fragrance. It grows in a particular region in India – the Darjeeling district of West Bengal State in the Eastern Himalayas – at an elevation ranging from 600 and 2,200 metres. It has been cultivated in this district for more than 150 years. The flavour of Darjeeling tea is attributed

to a combination of soil types, water quality and weather conditions such as humidity and temperatures that occur in that region. Tea plantations are spread over an area of 19,000 hectares in 87 gardens, producing nearly 10 million kilograms of tea and employing about 70,000 permanent staff and 15,000 seasonal workers (FAO, 2018).

Darjeeling tea has delighted a good reputation worldwide for over a century. The export of Darjeeling tea is nearly 70 to 80 per cent of the total production, i.e. 7 to 8 million kg (FAO, 2018).

In spite of the fact that tea industry is largely private, it is controlled by the Tea Board, established under the Tea Act, 1953. The Tea Board is under the control of the Ministry of Commerce and Industry, and manages all administrative issues related to tea from cultivation to processing, promotion, sales and certification, trademarks and so forth. For 10 years now, India is confronting real rivalry from other tea producing countries, for example, China, Sri Lanka and Kenya (Ravindran and Mathew 2009). The Tea Board works intimately with the Darjeeling Tea Planters Association to promote and secure the interests of the tea industry.

Being an immensely well-known and an exceedingly esteemed product, the incentives for abuse of the name and its logo are very high. The Tea Board found various organisations/associations of universal notoriety sharing in malpractices. Some of the cases of abuse identified by Compumark are as companies in France were observed to utilize the name 'Darjeeling' to offer fragrances, clothing and telecommunications hardware; Israel was observed to utilize the logo to offer agricultural and horticultural products; and one organization in Japan was utilizing the name 'Divine Darjeeling' to offer tea, espresso and cocoa.

The Tea Board has taken several initiatives to ensure the interests of tea cultivators and merchants, and has succeeded in settling down some disputes through negotiations over the years (Ravindran and Mathew 2009).

Economic impact of GI registration

Variables	Before GI	After GI
Number of tea estates	102 in 1991 ↓ 80 in 1997	85 from 1998 to 2009
Area under tea	20 085 ha in 1991 ↓ 17 228 ha in 2000	17 818 ha in 2008
Quantity of production	13.93 million kg in 1991 ↓ 9.18 million kg in 2002	11.59 million kg in 2008
Yield per hectare	694 kg/ha in 1991 ↓ 492 kg/ha in 1999	650 kg in 2008
Price	Rs 77.50/ kg in 1991 ↑ Rs 128.52/kg in 2002	Rs 204.88/kg in 2008

	Premium compared with substitutes:
2004: the first GI in India	• between 1991 and 2013, an average premium of INR 60.4/kg and INR 66.9/kg in comparison respectively with Assam and Dooar teas;
2011: registration of the PGI in the EU	• price almost double the prices of substitute Assam and Dooar teas in recent years.

GI embedment has helped Darjeeling tea in extent that when the production falls in India, its prices in the international market would rise. In 2013, when there was agitation for separate state of Gorkhaland in Darjeeling district and adjoining areas which led to decline in exports of Darjeeling tea to many countries including UK, Australia, China and Pakistan. The press all over the world expressed concerns for Darjeeling tea lovers as its prices in export markets increased drastically. Surprisingly, about 90 kg of the first flush from a certain tea estate in Darjeeling fetched over Rs.40 lakh in London in 2015 which indicated that it fetched around Rs.45,000 per kilogram (Manisha Chaudhary, 2016).

Quality improvement

Since 1999, it has been mandatory to follow good agricultural and manufacturing practices in order to obtain GI registration. However, the GI process has itself further encouraged quality improvement, inasmuch as there is some assurance that high-quality tea will be protected from fake or false Darjeeling tea in domestic and international markets, which in turn may increase the price of the genuine article. GI registration prevented the massive use of chemicals. Many conventional estates have discontinued the practice altogether and converted to organic cultivation and production. The improvement in quality is reflected in a growing demand for Darjeeling tea on

domestic and international markets, involving steadily increasing numbers of countries.

Enhanced Market Access

An increase in market access is observed with a positive effect on both the number of destinations (extensive effect) and the value exported (intensive effect). The number of destinations of Darjeeling tea rises from 35 countries in 2004 to 45 countries in 2015 (FAO, 2018).

Impact on rural development and social aspects

Evolution in employment

Employment on tea estates is based on a very high fixed land-labour ratio, with 3.5 workers per hectare (Government of India Report, 2009). The livelihoods of approximately 70 percent of the total population of the Darjeeling hilly zone where 87 estates are located depend directly or indirectly on the tea industry. It is estimated that over 200,000 family members are dependent on the wages of the estate workers.

Deceleration in the rural exodus

Since GI registration, no estate in Darjeeling has been closed for economic reasons for the past seven or eight years. There are now sufficient job opportunities on tea estates, providing good wages and multiple fringe benefits. In the entire Darjeeling tea-growing zone, the rural exodus is therefore practically nil.

Induced effect on tourism

Darjeeling is a major tourism destination and tourism is a source of considerable revenue. With increasing numbers of tourists (including tea tourists), this sector will create more job opportunities for local people and generate a greater inflow of money, leading to more development. This approach could:

- develop and consolidate Darjeeling tourism by generating tourist satisfaction;
- enable tea producers to earn additional

income from tourists (rental of accommodation

- and direct sale of made tea and other local products);
- promote tea marketing with the creation of an individual brand image;
- enable state and local governments to obtain more revenue from tourism;
- generate a positive awareness of the Darjeeling tea GI.

Darjeeling tea plantation landscape represents an important tourism asset, with large numbers of local and foreign tourists coming to visit the area, using the special train (FAO, 2018).

Environmental Impact

Good practices for the production of safe, high-quality food (for example good agricultural practices and good manufacturing practices) on conventional estates and bio-organic or biodynamic estates to a large extent take environmental and natural resource protection into account (Tarit Kumar Datta, 2009).

Case Study 2: Basmati rice

Basmati is a long-grained aromatic rice grown in the northern part of India and some parts of Pakistan. It is one of the most popular rice varieties, both in India and on the international market, and is sold at a high price. In the year 2013–14, India exported 3.7 million metric tons of Basmati rice to the world, worth INR 29,300 crores (US \$ 5,000 million). The name Basmati is derived from two words – 'bas' meaning 'aroma', and 'mati' meaning 'ingrained from the origin' or 'the one containing aroma'. In India, Basmati has been traditionally grown in the states of Punjab, Haryana, Delhi, Himachal Pradesh, Uttarakhand, Jammu and Kashmir and parts of Uttar Pradesh. Basmati rice has also been grown in Pakistan. Basmati rice is highly valued for its unique characteristics such as its aroma, flavour, and long-grained quality. These distinctive qualities are attributed to a complex

combination of factors, including its inherent genetic characteristics, the environmental conditions specific to the soil and climate in the foothills of the Himalayas, and the sowing practices that farmers developed over the centuries.

Traditional farming communities have therefore played an important role in developing and conserving this unique variety based on their traditional knowledge. The popularity of this rice has led to interest among corporations in growing similar strains to Basmati rice in the US and Europe. The main controversy around the misappropriation of Basmati rice arose when RiceTec, a Texas-based corporation in the USA, crossed the traditional Basmati with a high yielding Texas semi-dwarf rice variety and created 'Texmati' rice, which has the special aroma and long grains of Basmati but is well suited to the agro-climatic zone of Texas. In 1997, RiceTec was granted a US patent on this variety, which they sought to call 'Texmati' or 'American Basmati'. They claimed to have produced it using a combination of conventional breeding techniques and biotechnology.

This US produced version of Basmati rice is likely to affect the export market for Basmati rice. In addition, due to a number of challenges and complications, Basmati rice has obtained GI status in 2016 after a long wait since the filing of application in 2008.

Case Study 3: Feni, Goa

A traditional alcoholic beverage, Feni, is part of the customs and culture of the people in Goa, a legacy of the Portuguese colonial rule in Goa. Feni is drunk at important events, for example birth ceremonies, marriages or funerals. It is believed that the cashew tree, whose apple is the only ingredient of Feni, was introduced into India on the Malabar Coast by the Portuguese in the 16th century and it came to Goa sometime between the 1590s and 1640s.

In Goa, Feni is mostly made with the fermented juice of cashew apples (from which

cashew nuts hang). Feni is also made with a distilled coconut toddy. With a product so closely attached to the culture of the community in Goa, as demonstrated by its use at important cultural events, the state government decided to apply for a GI on cashew Feni. It is not very clear why 'Goan Feni' has been registered as 'Feni', when the normal practice with most products registered with the GI Registry is to add the name of the place with which it is identified.

Feni was the first beverage to be registered in India with the GI Registry in 2009. As part of their outreach, the GI Registry organised a meeting in 2002 with the help of the Goa Chamber of Commerce. Feni was identified as a product that could be selected for GI with the hope that a GI status would transform it into a global product and attract benefits for the distillers and distributors,

and protect it from being wrongfully patented by another state.

Case Study 4: Malabar Pepper

Malabar pepper is famous for its quality. It is classified under two grades – garbled and ungarbled. History is replete with instances of foreigners coming to the Malabar Coast to trade in Indian spices in general and pepper in particular. It is stated that the exorbitant price of pepper during the middle ages, a trade which was monopolized by the Italians, forced the Portuguese to seek a sea route to reach India. Pepper is used as a spice and it has also got medicinal properties. Malabar pepper is cultivated in the geographic regions comprised in the Malabar region of the erstwhile Madras Presidency. Now these areas comprise in the states of Kerala, Karnataka and Tamil Nadu. Malabar pepper accounts for around 25 per cent of the entire world's supply of pepper. This pepper is unique for its sharp, hot and biting taste. Highly aromatic, with a distinctive fruity bouquet, it has the perfect combination of flavour and aroma. In order to protect the brand value of Malabar pepper, the Spices Board applied for a GI registration and after

completing the formalities the registration was granted in 2008.

As pepper is exported in huge quantities, there was a feeling that the GI tag would give better legal protection against counterfeit products, more visibility to the brand etc.

Geographical indications: Challenges and Recommendations

Challenges

GI has not provided significant gains to producers of bio-cultural products where the products are not profitable already, and where the trade is controlled by industry or traders rather than producers. For example, a GI appears to have been successful in the case of Darjeeling tea as its an international name; the tea industry is well organized and supported by government. The tea estates in Darjeeling are substantially owned by big corporates or rich families, who hold the GI status. The role of smallholder farmers or small artisans is confined to employment as farm workers and benefits from the GI have also been limited for them. The success of GI in Darjeeling tea is attributed to the close vigilance offered by the Tea Board and Tea Planters' Associations and its financial capacity to employ a surveillance company to monitor and enforce the GI internationally. It indicates that external support is essential in promoting GIs until a sustainable business model is developed and demonstrated, particularly for small scale producers.

Broad specifications of a product based largely on natural or biological resources, and produced using various cultural practices can benefit more producers but bring challenges for specification and standardisation as in the case of Goa Feni.

Producers of biocultural products face various challenges in the pre and post-registration phase of GI process.

Pre-Registration challenges

The support of external actors and agencies in promoting, encouraging, supporting and sponsoring the registration of the GI products. Normally, small producers in developing countries do not have the capacity to deal with the complex bureaucratic systems of applying for GI registration and to market the product without the support of external agencies (eg state governments, civil society organisations, donors, etc).

The process of registration is usually a long one which requires legal assistance and financial resources that are beyond the small producers' capacity. The Navara rice case has exemplified the difficulties faced by small farmers in undergoing the process of registration. The costs in the pre-registration phase include expenses related to the mobilisation of farmers, registration of a body which will apply for GI registration, engaging a legal expert to develop the case which requires a considerable amount of time to gather archival material to prove that the product emanates from a particular geography and has essential characters of that place. This process normally takes time and it takes a number of visits to the GI Registry office which has only one office in India (in Chennai, Tamil Nadu). And if it is a contested case, the expense increases manifold as one has to make several visits to the Appellate Board if there is an opposition from anyone on the filing of the registration of a product as the case of Basmati rice which took around eight years in registration due to various contestations and in the Goa Feni case, it took five years to finally obtain the GI tag by the state government and the Bottlers and Distillers' Federation.

The Feni Bottlers' and Distillers' Federation members are relatively wealthy compared to the Navara rice growers, and they received the support of the state and the Confederation of Indian Industries, while the Tea Board supported the GI registration on behalf of the tea plantation industry. In contrast, the small-scale farmers in the Navara

Rice Growers' Association invested their own resources and borrowed funds to apply for the GI registration.

In addition, knowledge of GIs and the GI registration processes amongst small producers is limited, which can pose a key challenge and requires investments of time and resources to build knowledge and capacity. This indicates that for GI registration small producers of biocultural products are struggling for government support, even though for GIs which have huge potential for supporting traditional knowledge and biocultural heritage.

Post-Registration challenges

All the literature available indicates that mere registration of biocultural products for GI is not enough to generate guaranteed gains to the producers. There are significant costs related to the post-registration phase, which are necessary for the GI to be effective, such as ensuring the GI is recognised in the marketplace and sought out by consumers, as well as the costs of monitoring and enforcement. For instance, GI holders may need to invest in good packaging, branding, publicity and marketing. Once again, small producers and poorer communities typically require the support of external agencies (government, nongovernment and donor agencies) for promotion, product development and creation of a market.

GI tag holders also have to invest in monitoring and vigilance to ensure that no one else passes off their goods as the GI products. As in the case for Darjeeling tea – the Tea Board India has significantly invested in the services of a monitoring agency to help protect the rights of the Authorised Users of Darjeeling tea GI and paid for several legal cases. Weak regulatory and monitoring mechanism and poor implementation of the law limits the benefits of GI registration from reaching the authorised users. The GI Act has established a regulatory and inspection mechanism to ensure protection of the rights of the authorised users but the mechanism is almost non-functional in most

parts of the country.

Investment is also needed in raising consumer awareness of a GI, and what it signifies in terms of distinct product qualities, in order to promote a willingness to seek it out in the marketplace, reduce the chances of substitutability, and possibly pay a premium for it. If consumers are not aware of the advantages of purchasing a GI product, they often end up purchasing imitations or products which are passed off as a GI product. This leads to a loss for the authorised users of the GI product who may include manufacturers, producers, artisans or even distributors.

Unless products already have a reputation for special characteristics based on place, investments are required to create a market for these products through mass media and public awareness highlighting their speciality and essential characteristics, how they are made, who makes them and where they are made.

Obtaining a GI does not necessarily guarantee that any benefits accrued are delivered to small producers or the holders of traditional knowledge. The existing shape of supply chains and the nature of trading relationships can prevent benefits, such as additional profits, from being delivered to producers. Traditional knowledge may be protected, but any economic benefits from GI status are accrued by middlemen and traders instead.

Recommendations for crafting suitable strategies for brand building and marketing of GI products in Indian and international markets

There is need of taking steps by Central and State governments, Producer bodies and Export Promotion Councils etc to ensure proper enactment of the proposed marketing initiatives.

1. Classification of GI products based on market potential and production capability

The determination of the amount of

resources, efforts and the direction of marketing strategy for different GI products should be exercised.

2. Establishment of GI enabler cell for each GI

The GI enablers may be an association of representatives from producer groups, traders, government and NGOs or a government body (like tea board) / NGO if they are the registered proprietor.

3. Speedy registration of authorised producers and users

- Creation of awareness and provision of clarity to producers and artisans
- Provision of support in the completion of the process
- Regional Language brochures explaining why and how GIs should be leveraged

4. Creation of a common GI mark or tag across all GI products

- An easy identification and assurance mark common to all GI products
- A small seal which identifies the product as “original” and gives the GI number

5. Product specific GI logos for selected GI products with moderate to high potential

- To be initiated by Registered proprietor through consultative process
- Process of awarding use of logo should be robust.
- Develop Guidelines for use of GI logo- size, placement etc

6. Establishment of Market Development Fund

- The fund should be allocated towards market development and brand building activities
- State/Central government shall contribute initially
- Producers can also contribute, once

consumer awareness and pull is there

7. Awareness campaign for consumers to explain them to look for GI tag as assurance of authenticity and original source

8. Development of Brochures/catalogues and website for each category of GI product with features of

- Product range, highlight the unique heritage and the key differentiators for the GI brand
- Display of certification or compliances, Customer reviews and testimonials
- Links to GI database, individual producer websites
- A listing of key National exhibitions related to the product category/ market
- A list of retailers/seller where consumers can get genuine GI products (city wise)

9. Strengthen Enforcement and Sensitization towards misuse of GI tag

- Powers of the GI Registry need to be strengthened as the officers of the GI Registry need to be given powers of checks and seizures for confiscating fakes and imitations.
- State Government should issue circular informing trader and retailers about punitive legal action taken against them if they are found to keep or sell any ineligible product under the GI tag or logo of the product
- A legal cell shall be set up at the central level to take up issues of infringements and raids need to be conducted to catch offenders

10. Quality Checks, Compliances & Quality Enhancement

- Producer groups should exercise self-audits and samples shall be checked by designated quality teams
- Producers/ traders selling other products with GI logo and repeat offenders should be

- stripped of authorised user status
- Technology and equipment upgradation with inputs from technical and design institutes
 - Visit by agricultural scientists and packaging experts to relevant GI clusters & Pro-active promotion of tie ups with empaneled designers/ design institutes-NID, NIFTetc and Internship programmes in village clusters
- 11. Common Facilities Centres (CFC) in each of the hubs for identified GI products**
- Space and provision for pre/post processes linked to production
 - Expensive machines /equipment to be provided at CFC for common usage on chargeable basis.
 - Mechanization of pre/post processes (upto 30%).
- 12. Promotional Activities for Building Awareness**
- Outdoor advertising in key spots like entrance to state/ GI area, at various bus stops, airports and railway stations in the region for mass targeting
 - Announcements in trains and aircrafts about the GI products and flyers/ brochures in seat pockets of aircrafts / trains/tourist buses destined to the region of the GI
 - Big international exhibition or buyer-seller meet should be organized in India for each category of GIs with export potential
 - Advertisement in International flights through announcements and distribution of flyers about specific GI products
- 13. Leveraging Public relations**
- State Governments should hire PR agencies/agents to promote GI products.
 - Identification of key factors for different categories and tapping of popular bloggers on themes related to that of the GI product, or specialized travel stories or history and legacy.
- Press coverage for events like fashion shows, special theme haats etc. and tie ups and association could be explored through high profile events like Asian Games, Miss India or Film festivals, or other sports events etc for targeting international markets.
 - Tapping of travel and tourism shows/ magazines and success stories in international markets need to be highlighted
 - The GI websites and portals should share personal stories of artisans and their families
 - Celebrity endorsement shall be leveraged for selected GIs through advertisements, social media activities, movie tie ups, etc.
 - Leveraging tourism to promote GI- Integrating GI clusters in tourist circuits for domestic and international travelers
- 14. Promotion of direct Buyer-Seller interaction**
- Each state should organize GI focused exhibition every year to ensure adequate participation of existing GI producers/ authorised users in key National Exhibitions
 - Haats/ craft bazaars for direct selling to consumers should be set up in key cities in each state by respective state governments
 - Focused buyer-seller meets for Institutional buyers and organized retailers (both online and offline) shall be organized by state governments
 - GI enablers should compile and make available list of various platforms /venues available for retailing / showcasing their products directly to consumers
- 15. Development of alternate Retail Channels & leveraging E-commerce**
- Tie up with offline retail shops, designers and organic brands to launch & promote

special lines as Khadi Gram Udyog, Dastkaar, Raw Mango, HortiCorp etc

- Leveraging Ecommerce provides huge potential to enhance the reach and reduce the intermediaries. The producers can sell directly through their own websites/portals, developed and managed by the GI enablers with support from the governments, non-profit organizations or development agencies.
- Trade portals and Industry specific portals-Tie ups and listings could be initiated for trade portals and industry specific portals.
- Tie up with suitable online retailers operating in the buyer countries or those with international reach

16. Expansion of reach in National and International Markets

- Shop-in-shop concepts for GI products called "Traditional Treasures of India" could be set up as part of the State Emporia and as standalone outlets in other places like airports, Indian Embassies or places of major tourist attractions in India as well as abroad
- Marketing training workshops should be conducted & GI brand name and logo needs to be registered in key international markets for products with high export potential
- The tracking system for checking GI holder/authorised user details should be highlighted for international buyers
- GI parks can be used for organizing theme based events/ shows/ exhibitions/ workshops and can also be leveraged for tourism and these parks can be leveraged to provide experience based tour programmes for domestic/ international tourists to live with weavers/ farmers
- A course/project on relevant GI products should be introduced in selected Institutes/ Universities

CONCLUSION

It is obvious from the previous cases that GI hold potential to contribute to agricultural advancement and sustainable rural livelihoods in the country. GIs are an intellectual property right offered by the WTO Agreement on Trade Related Aspects of Intellectual Property (TRIPS). As a member of the WTO, India enacted national GI legislation 2003 (Geographical Indications of Goods Registration and Protection) Act). This paper investigated the status of GIs in India, and the economic impacts of these GI registrations. The paper highlighted pre and post-registration of the GI Act through case studies of Darjeeling Tea, Basmati Rice, Feni and Malabar Pepper and , recommendations are made to exploit the marketing potential of the GI embedded products.

The case of Darjeeling Tea demonstrates that GI can be compelling in ensuring markets for established products when funding is available for monitoring and legal action. The government-controlled Tea Board has contributed this financing to support domestic and export markets for the tea industry. However, the local communities have received limited benefits from GI as their employment is restricted as the farm labourers.

The challenges include case of Basmati rice, where a GI registration had been pending for more than eight years, demonstrates the impediments which can occur when registration of a well-established product is contested by growers in other areas not covered by the proposed GI as in Pakistan and Madhya Pradesh. This has postponed GI protection for thousands of small producers of Basmati rice.

Feni is an alcoholic drink introduced into Goa by the Portuguese in the sixteenth century. A GI has been acquired by the Feni Distillers and Bottlers Association in Goa. However, questions stay about whether Feni producers in neighbouring states can be incorporated in the GI, and keeping in mind that a specific level of standardisation is required for a GI to

maintain its quality, this could adversely affect the diverse cultural practices associated with production.

This study suggests that GIs could enable traditional producers capture the full economic benefits from GI products. However, GI registration and enforcement poses critical financial and bureaucratic challenges for small-scale producers. Consequently, it might be best to first establish a market, and only seek GIs for established products

which are probably to benefit most and to realise the potential of GIs to protect and revitalise biocultural heritage, greater support is required from the government of India, state agencies, NGOs and donors to enable traditional producers to assess and enhance the markets for their products, establish representative associations, apply for GIs and monitor and enforce them.

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