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Geographical Indications – Protecting India's Heritage

Abhilasha Soni

India's cultural and economic identity is deeply tied to its extraordinary diversity of products whose value arises not just from skill, but from place. Darjeeling tea, Kancheepuram silk and Alphonso Mangoes are not merely just commodities, they represent the reputation of a region, the cumulative knowledge of generations of people living there, and a unique combination of various other factors like climate, soil, and human craftsmanship. Geographical Indications (GIs) are the legal mechanism that recognizes and helps in protecting the link between the said places and their products, thus safeguarding India's heritage in an increasingly globalised market.

Understanding Geographical Indications

A Geographical Indication is a sign used on goods that have a specific geographical origin and that possess, qualities, reputation, or characteristics that are essentially attributable to that origin. In contrast to trademarks, which indicate the source of a product as the manufacturer geographical indications suggest the place of origin of the product.

This differentiation is essential, since a GI cannot be exclusively possessed by one producer or enterprise, it belongs to all the producers in a given region who meet specific criteria. This collective ownership structure makes GIs unique among intellectual property rights.

The Legal Framework Governing Geographical Indication

India's Geographical Indication regime is the result of its obligations as a signatory to the agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS).¹ This agreement obliges all countries that are members of the WTO to establish appropriate legal framework to

¹ Agreement on Trade-Related Aspects of Intellectual Property Rights arts. 22–24, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1C, 1869 U.N.T.S. 299.

provide protection to interested parties and to prevent the use of any designation that could mislead the public about geographical origin of goods.

To fulfil this obligation, the Government of India has enacted the Geographical Indications of Goods Registration and Protection Act 1999,² which came into effect from September 2003, with the headquarters of the registry being in Chennai. The said act provides for the registration and protection of GIs in relation to goods, as well as the rights of infringement and enforcement.

Under Section 2(1)(e) of the act,³ GI may cover agricultural goods, natural goods, manufactured goods handicrafts, and foodstuffs, provide they originate from a defined territory and possess a quality, reputation or characteristic attributable to that origin.

Darjeeling Tea was the first product to receive GI registration in India, in 2004-2005, marking the formal beginning of the country's structured GI protection framework.⁴

Why Geographical Indications Matter: Economic and Cultural Significance

Economic Value for Local Producers: GI registration often allows producers to register and sell their goods at a premium pricing in both domestic and international market,⁵ as it guarantees the quality of the product and distinguishes authentic products from imitations. This is especially important for artisans, framers, and small- scale producers who have limited leverage in competitive markets. Additionally, GI tags can enhance the appeal of a product, its marketability, build consumer trust, and open access to export opportunities.

Protection Against Misappropriation: one of the most known examples in this context is the Basmati Rice dispute. A US based company sought a patent over a certain variety of hybrid rice by using the name "Basmati". India had to take up a legal and scientific challenge to protect its claim over the name, highlighting the risks that arise when adequate domestic protections and international recognition are lacking. The case is yet another reminder of the importance of a

² Geographical Indications of Goods (Registration and Protection) Act, No. 48 of 1999, §§ 1(3), 11, INDIA CODE (1999).

³ Geographical Indications of Goods (Registration and Protection) Act, No. 48 of 1999, § 2(1)(e), INDIA CODE (1999).

⁴ Tea Board India, *Darjeeling Tea: The First Indian Geographical Indication*, Ministry of Commerce & Industry, Government of India.

⁵ Food & Agriculture Organization of the United Nations, *Linking People, Places and Products: A Guide for Promoting Quality Linked to Geographical Origin and Sustainable Geographical Indications* (2d ed. 2010).

strong GI regime to both, legally and scientifically defend India's claim over traditional products globally.⁶

Preservation of traditional knowledge and craftsmanship: GI protection extends beyond agricultural products – the traditional handicrafts also require geographical indication to survive in the competitive global marketplace. Channapatna toys, Madhubani paintings or Pochampally Ika are examples of the unique local items that cannot thrive without GI protection.⁷ The Protection of geographical indications helps to differentiate goods that originated in a certain region from similar goods produced elsewhere, thus helping to preserve traditional crafts.

Support for Rural and Tribal Economies: A large number of GI products are from rural, tribal, or backward areas. By GI protecting the product, it will promote the rural economy, encourage tribal people to produce GI products, and help save the indigenous knowledge in the community instead of outside companies stealing the idea and taking over the production of goods.

Persistent Challenges in Implementation

Despite a comprehensive legislative framework, several practical challenges continue to limit the effectiveness of GI protection in India.

Low awareness among artisans, framers and small producer communities remains a significant barrier, with many eligible products yet to be registered simply because producers are unaware of the process or its benefits.

Procedural complexity in registration, though improved over the years, can still be burdensome for grassroots producer groups lacking institutional or legal support.

Enforcement remains an even bigger challenge, simple registering works does not prevent their unauthorised use, producer associations must act in court against infringement, which is often beyond the resources of many local communities.

⁶ RiceTec, Inc. Patent Application and the Basmati Rice Dispute, Ministry of Commerce & Industry, Government of India.

⁷ World Intellectual Property Organization, *Geographical Indications: An Introduction* (2d ed. 2017).

There is also an ongoing policy debate on whether GI protection requires to be coupled with enhanced market linkages, quality control procedures, and export promotion to translate into direct economic benefits.

Conclusion

This blog on Geographical Indications is a reminder that GI are more than legal tool; they are a mechanism to translate heritage in to legally protected economic value. For a country like India, which has abundance of geographical locations and products unique to India, the protection is much needed. However, it is observed that registration by the concerned authority is just the first step because the process of actual GI protection is more involved and requires collective efforts. As India continues to register more GIs crossing the 600 mark in recent years, the real challenge lies not in getting the tag but ensuring it translates into tangible benefit for the people whose heritage it represents.