

GEOGRAPHICAL INDICATIONS AND TRADE LAW: LEGAL CHALLENGES IN PROMOTING UTTAR PRADESH'S GI-TAGGED HANDICRAFTS IN GLOBAL MARKETS

- Nikki Kumar* & Dr Anis Ahmad**

“The handicraft is the flower of the artisan’s soul, blooming through skilled hands to tell stories of tradition and culture.” - Mahatma Gandhi

Abstract

Geographical Indications serve as a vital intellectual property mechanism, anchoring the unique quality, reputation, and characteristics of products to their geographical origins, thereby preserving cultural heritage and fostering economic value. Uttar Pradesh, India’s preeminent hub for GI-tagged handicrafts, holds 77 GI registrations as of May 2025, with an ambitious target of 152 by 2026, solidifying its leadership in safeguarding artisanal legacies. Iconic crafts such as Banarasi sarees, Moradabad brassware, Bhadohi carpets, and Gorakhpur terracotta embody centuries-old traditions while significantly contributing to India’s rural economy and global export market, which reached US\$1.77 billion for handicrafts between April and September 2023. The state’s One District One Product (ODOP) initiative, coupled with events like Maha Kumbh 2025, projected to generate Rs 35 crore in trade, underscores its pivotal role. Global markets are beset by formidable legal challenges, including inconsistent international GI protections, pervasive counterfeiting, stringent trade regulations, and domestic institutional inefficiencies. These barriers hinder artisans’ ability to capitalize on the projected US\$1,218.77 billion global handicraft market by 2025. This paper meticulously examines India’s GI legal framework, the cultural and economic significance of Uttar Pradesh’s handicrafts, and the multifaceted obstacles to global trade. Through rigorous analysis and vivid case studies, it proposes comprehensive strategies to enhance market access, fortify artisan livelihoods, and preserve India’s cultural patrimony. By addressing disparities in

* Research Scholar at Department of Law, Babasaheb Bhimrao Ambedkar University, Lucknow (UP).

** Associate Professor at Department of Law, Babasaheb Bhimrao Ambedkar University, Lucknow (UP).

global GI regimes, strengthening enforcement, easing trade compliance, and leveraging digital platforms, Uttar Pradesh can cement its stature as a global beacon of artisanal excellence within the complex tapestry of international trade law.

Keywords: *Geographical Indications, Handicrafts, Uttar Pradesh, ODOP.*

INTRODUCTION

Geographical Indications (GIs) stand as sentinels of authenticity, certifying products as emanating from a specific region where their quality, reputation, or characteristics are indelibly linked to that origin. This legal aegis not only thwarts imitation but also elevates market allure by underscoring cultural and historical significance.¹ In India, *the Geographical Indications of Goods (Registration and Protection) Act, 1999*, harmonizes with the World Trade Organization's *Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement*, erecting a formidable framework for safeguarding traditional products. Uttar Pradesh, a crucible of India's artisanal heritage, reigns supreme in GI-tagged handicrafts, commanding 77 of the nation's 605 GI registrations as of May 2025, with an ambitious goal to reach 152 by 2026. Crafts such as Banarasi sarees, with their silken opulence; Moradabad brassware, gleaming with intricate metalwork; Bhadohi carpets, and Gorakhpur terracotta, sculpted from ancient clay traditions, embody India's cultural soul while fuelling its rural economy and export prowess.² India's handicraft exports soared to US \$1.77 billion between April and September 2023, with projections heralding a global handicraft market of US \$1,218.77 billion by the close of 2025, propelled by a burgeoning appetite for artisanal creations. Uttar Pradesh anchors this ascent through initiatives like the One District One Product (ODOP) scheme, which champions district-specific crafts, with events like Maha Kumbh 2025 poised to generate Rs 35 crore in trade.³ Yet, the path to global markets is strewn with legal and practical obstacles. Discordant international GI protections, rampant counterfeiting, exacting trade barriers, and domestic institutional shortcomings conspire to

¹ Kasturi Das, "Socio-economic Implications of Protecting Geographical Indications in India" 14 *Journal of Intellectual Property Rights* 198-209 (2009).

² Poonam Kashyap, *Cultural Heritage and GI-Tagged Crafts of Uttar Pradesh* 134 (Orient BlackSwan, New Delhi, 1st edn., 2020).

³ R.S. Tripathi, "ODOP and the Rise of Uttar Pradesh's Handicraft Sector" 58 *Economic and Political Weekly* 45-52 (2023).

limit artisans' ability to harness global demand while preserving their cultural legacy.⁴ This paper undertakes a comprehensive examination of these challenges, focusing on Uttar Pradesh's handicraft sector, and charts a course for enhanced global competitiveness, strengthened artisan livelihoods, and the enduring preservation of India's cultural heritage within the complex framework of international trade law.⁵

LEGAL FRAMEWORK GOVERNING GEOGRAPHICAL INDICATIONS IN INDIA

India's GI framework, enshrined in the *Geographical Indications of Goods (Registration and Protection) Act, 1999*, is a bulwark administered by the Controller General of Patents, Designs, and Trademarks under the Department for Promotion of Industry and Internal Trade (DPIIT).⁶ The Act defines a GI as an indication that identifies goods as originating from a specific geographical area, where their quality, reputation, or characteristics are intrinsically tied to that origin.⁷ This dovetails with Article 22 of the *TRIPS* Agreement, which mandates protection against misuse and deceptive practices that mislead consumers. By granting exclusive rights to authorized users within the designated area, the framework shields artisans from unauthorized replication, ensuring economic benefits accrue to rightful producers.⁸ In Uttar Pradesh, the GI Registry in Chennai has bestowed tags upon a constellation of handicrafts that illuminate the state's cultural mosaic. Banarasi sarees, recognized in 2009, shimmer with intricate silk weaving; Moradabad brassware, tagged in 2013, gleams with masterful metalwork; Amroha Dholak resonates with musical heritage, crafted from mango, jackfruit, or teakwood with goatskin; Kalpi Handmade Paper, rooted in Mughal-era techniques, champions eco-friendly craftsmanship; and Mahoba Gaura Patthar Hastashlip harnesses the unique Pyro Flight Stone. As of May 2025, Uttar Pradesh commands 77 GI tags, including 52 handicrafts, the highest in India, propelled by the ODOP initiative, which amplifies district-specific products. The state's ambition to secure 75 additional GI tags by 2026, with 25 applications already filed, underscores its commitment to cultural and economic ascendancy.⁹ Yet, the framework's promise is tempered by challenges. The

⁴ Yogesh Pai, "Globalizing Indian Handicrafts: The Role of GI Protection" 10 *Indian Journal of Law and Technology* 78-94 (2014).

⁵ R.V. Anuradha, "Geographical Indications and Traditional Knowledge in India" 6 *Journal of Intellectual Property Law & Practice* 255-264 (2011).

⁶ V.K. Ahuja, *Intellectual Property Rights in India* 234 (LexisNexis, New Delhi, 2nd edn., 2015).

⁷ Geographical Indications of Goods (Registration and Protection) Act, 1999 (Act 48 of 1999), s. 2(1)(e).

⁸ Dwij Gupta, "The Socio-Economic Impact of Geographical Indications" 9 *Journal of World Intellectual Property* 539-546 (2006).

⁹ Government of Uttar Pradesh, "Annual Report on Handicraft Promotion 2023" 25 (Department for Promotion of Industry and Internal Trade, 2023).

registration process is a labyrinth, demanding exhaustive documentation of geographical linkage and production techniques, which many artisans, constrained by limited literacy and resources, find insurmountable.¹⁰ Post-registration enforcement falters, with scant mechanisms to monitor misuse domestically or abroad. For instance, imitation Banarasi silk, woven on power looms in regions like Surat, undermines the GI's authenticity and erodes artisan incomes.¹¹ Globally, the absence of harmonized GI protection complicates enforcement. The European Union's sui generis system, which safeguards both agricultural and non-agricultural GIs, offers a beacon of robust protection. Conversely, the United States' reliance on trademark law, which prioritizes individual brand rights, hinders recognition of Uttar Pradesh's collective GI rights, dimming their global luster. These fissures call for fortified domestic and international mechanisms to uphold and promote Uttar Pradesh's GI-tagged handicrafts.

CULTURAL AND ECONOMIC SIGNIFICANCE OF UTTAR PRADESH'S GI-TAGGED HANDICRAFTS

Uttar Pradesh emerges as India's artisanal colossus, wielding 77 GI-tagged products, including 52 handicrafts, as of May 2025, a testament to its unrivalled cultural heritage. Banarasi sarees, with their silken splendour, weave tales of Varanasi's looms; Moradabad brassware, etched with intricate designs, gleams from the 'Brass City', Bhadohi carpets, commanding global markets, thread stories of craftsmanship; and Gorakhpur terracotta, melded from sacred clay, captures ancestral artistry. Recent additions, such as Banaras Block Printing, Azamgarh black pottery, and Varanasi wooden lacquerware, further enrich this legacy. These crafts sustain over 50,000 artisans across Varanasi, Moradabad, Bhadohi, and Gorakhpur, anchoring cultural preservation and economic vitality. The ODOP initiative has catapulted their prominence, with Maha Kumbh 2025 projected to yield Rs 35 crore in trade, illuminating their global allure through vibrant exhibitions and digital platforms.¹² Economically, GI tags are alchemical, transforming authenticity into premium prices and robust export potential. Bhadohi carpets, with US\$1.33 billion in exports between April 2020

¹⁰ R.V. Anuradha, "Geographical Indications and Traditional Knowledge in India" 6 *Journal of Intellectual Property Law & Practice* 255-264 (2011).

¹¹ Arup Barman, "Counterfeiting and the Banarasi Saree Industry" 55 *Economic and Political Weekly* 34-41 (2020).

¹² R. K. Sharma, "Cultural Festivals and Handicraft Promotion in India" 47 *Journal of Cultural Economics* 89-104 (2022).

and February 2021, command 40% of the global handmade carpet market.¹³ Moradabad brassware, reaching over 50 countries, bolsters India's US \$1.77 billion handicraft export market, with the global handicraft sector poised to reach US \$1,218.77 billion in 2025. The Uttar Pradesh Budget 2025-26, with an unprecedented outlay of ₹ 8,08,736 crore, allocates significant funds for handicraft marketing and infrastructure under ODOP, signalling robust state support.¹⁴ GI tags also kindle tourism, drawing visitors to seek authentic crafts, thus invigorating local economies and spawning ancillary livelihoods.¹⁵ Culturally, these handicrafts are living chronicles of indigenous knowledge. Kalpi Handmade Paper, crafted with Mughal-era techniques, marries sustainability with tradition, Amroha Dholak, hewn from traditional woods, echoes Uttar Pradesh's musical soul; and Varanasi's wooden lacquerware, sculpted without joints, bears ritual sanctity.¹⁶ GI tags shield these traditions from the erosive tides of globalization, ensuring artisans' skills and cultural narratives endure.¹⁷ Yet, global promotion is besieged by challenges. Counterfeiting, exemplified by imitation Banarasi sarees from Surat, tarnishes brand integrity. Limited artisan awareness of GI benefits and stringent trade barriers, such as EU quality standards, stifle economic gains, demanding resolute legal and institutional interventions.

INTERNATIONAL TRADE LAW AND GI PROTECTION: OPPORTUNITIES AND CHALLENGES

The *TRIPS* Agreement stands as the global lodestar for GI protection, compelling member states to thwart misuse and foster fair competition. Article 22 mandates safeguards against deceptive GI use, while Article 23 extends enhanced protection to wines and spirits, a privilege India seeks to broaden to handicrafts, bolstering treasures like Banarasi sarees and Bhadohi carpets.¹⁸ Yet, global implementation is a patchwork of discord. The European Union's *sui generis* system, embracing non-agricultural GIs, offers a paragon of protection

¹³ Bhadohi Carpet Export Association, "Annual Report 2020-21" 22 (Bhadohi Carpet Export Association, 2021).

¹⁴ Government of Uttar Pradesh, "Budget Document 2023-24" 76 (Finance Department, 2023).

¹⁵ Sumantra Bose, "Challenges in Globalizing Indian Handicrafts" 12 *Journal of International Trade Law and Policy* 201-215 (2013).

¹⁶ Priya Sharma, "Traditional Knowledge in Uttar Pradesh's Handicrafts" 9 *Journal of Heritage Studies* 34-47 (2022).

¹⁷ Vandana Singh, "Globalization and the Preservation of Indian Craft Traditions" 20 *Cultural Studies Review* 89-105 (2014).

¹⁸ D. N. Sarma, "Strengthening GI Protection for Indian Handicrafts" 9 *Journal of Intellectual Property Law & Practice* 645-657 (2014).

for Uttar Pradesh's crafts.¹⁹ In stark contrast, the United States' trademark-centric approach, favouring individual rights, obstructs recognition of collective GI rights, as Moradabad brassware grapples to assert its identity in American markets. China, with over 9,700 GIs, has fortified its global standing through bilateral agreements, a model India might emulate to amplify Uttar Pradesh's reach. The *EU-India Free Trade Agreement (FTA)* negotiations, ongoing as of May 2025, strive to harmonize GI protection but falter over non-agricultural GIs, with many nations prioritizing agricultural staples like wines and cheeses. India's fervent advocacy for handicraft GIs is pivotal, yet progress languishes amid divergent legal priorities. Enforcement abroad poses a formidable challenge, with Uttar Pradesh artisans facing prohibitive costs for international litigation.²⁰ Pursuing counterfeiters in the Middle East, a vital market for Bhadohi carpets, is a labyrinthine and costly endeavour. The absence of a global GI registry compounds these woes, forcing artisans to navigate a mosaic of legal systems. Counterfeiting casts a long shadow, with imitation Banarasi sarees and Bhadohi carpets inundating markets in the Middle East and Southeast Asia, eroding artisan incomes and consumer trust. Trade barriers, such as the EU's textile safety standards and the US's environmental regulations, impose costly certifications that small-scale artisans struggle to meet. The global handicraft market's projected ascent to US \$1,218.77 billion by 2025 presents a golden opportunity, yet compliance costs and legal complexities threaten to dim Uttar Pradesh's prospects.²¹ A harmonized global GI framework is imperative to ensure equitable protection and unfettered market access, enabling Uttar Pradesh's crafts to shine on the world stage.

LEGAL CHALLENGES IN PROMOTING UTTAR PRADESH'S GI-TAGGED HANDICRAFTS GLOBALLY

The quest to elevate Uttar Pradesh's GI-tagged handicrafts onto the global stage is a saga of aspiration shadowed by formidable legal and practical impediments. Foremost among these is the lack of uniform GI protection across jurisdictions. The EU's *sui generis* system embraces handicraft GIs, offering a shield of collective rights, yet the United States and China's trademark-based regimes falter in recognizing such communal protections. Moradabad

¹⁹ Gail E. Evans, "The Comparative Advantages of the EU's GI System" 32 *European Intellectual Property Review* 297-305 (2010).

²⁰ T.C. James, "Challenges in Implementing Counterfeit Protection in India" 15 *Journal of World Intellectual Property* 142-160 (2012).

²¹ Sangeeta Khorana, "The Role of Geographical Indications in India's Export Strategy" 49 *Economic and Political Weekly* 56-63 (2014).

brassware, for instance, contends with counterfeit rivals in the US, where GI status lacks legal weight, dimming its market radiance. This global discord undermines the competitive edge of Uttar Pradesh's crafts, stifling their ability to command premium prices. Counterfeiting weaves a pervasive threat, with imitation Banarasi sarees and Bhadohi carpets flooding markets in the Middle East, Southeast Asia, and online platforms, sapping artisan incomes and eroding consumer confidence. A study underscored that counterfeit products, often crafted with inferior power looms, tarnish the reputation of GI-tagged goods. International enforcement is a costly quagmire, and India's GI Registry lacks mechanisms to curb misuse abroad. A case involving imitation Banarasi sarees sold by a US retailer required exorbitant litigation, an unattainable recourse for most artisans. Trade barriers further entangle market access. Non-tariff measures, such as the EU's stringent textile safety standards, demand certifications that small-scale artisans find financially crushing. Banarasi sarees and Bhadohi carpets face delays due to compliance with environmental and chemical regulations, inflation costs, and hampering competitiveness. WTO trade disputes over tariffs and intellectual property protections add layers of complexity, often stalling export processes. Domestically, the GI registration process is a formidable hurdle, requiring intricate documentation that overwhelms artisans with limited resources. Post-registration support is woefully inadequate, with feeble monitoring permitting misuse to flourish.²² Many Uttar Pradesh artisans remain unaware of GI benefits or lack access to legal aid, curtailing their global aspirations.²³ Global supply chains, dominated by powerful retailers and intermediaries, siphon profits from artisans. A study revealed that Moradabad brassware exporters garner only a fraction of retail prices due to intermediary hegemony.²⁴ Limited digital infrastructure and marketing acumen hinder artisans' forays into global e-commerce, despite domestic triumphs on platforms like Flipkart. The Maha Kumbh 2025, generating substantial trade through digital and physical showcases, illuminated the potential of such strategies, yet scaling them globally demands significant investment. These challenges

²² K.M. Gopakumar, "Enforcement Challenges for Geographical Indications in India" 18 *Journal of Intellectual Property Rights* 321-330 (2013).

²³ Neha Gupta, "GI-Tagged Handicrafts and Economic Development in Uttar Pradesh" 6 *Journal of Indian Culture and Civilization* 67-89 (2023).

²⁴ Sumantra Bose, "Challenges in Globalizing Indian Handicrafts" 12 *Journal of International Trade Law and Policy* 201-215 (2013).

beckon comprehensive reforms to unshackle Uttar Pradesh's GI-tagged handicrafts and illuminate their global promise.²⁵

CONCLUSION

Uttar Pradesh's GI-tagged handicrafts, with 77 registrations as of May 2025 and a bold vision to secure 152 by 2026, stand as radiant emblems of India's cultural heritage and economic potential. From the lustrous threads of Banarasi sarees to the polished artistry of Moradabad brassware, these creations narrate a saga of tradition and resilience, poised to enchant global markets. Yet, their ascent is shadowed by legal tempests. Disparate GI protections, particularly in trademark-driven markets like the United States, obscure their collective identity. Counterfeiting, exemplified by imitation sarees flooding foreign bazaars, saps artisan livelihoods and tarnishes brand prestige, with international enforcement entangled in prohibitive costs. Exacting trade barriers, such as the EU's stringent certifications, weigh heavily on small-scale artisans, while domestic frailties, arduous registration processes, and feeble oversight hinder progress. To surmount these challenges, India must spearhead a global GI registry, harmonizing safeguards to ensure Uttar Pradesh's crafts gleam across diverse markets. Forging alliances with international bodies to combat counterfeiting, paired with digital authentication tools like QR-code labels, can deter imitation and foster consumer trust. Establishing a dedicated GI Cell in Uttar Pradesh to navigate trade compliance, ease certification burdens, and provide training will empower artisans to meet global demands. Streamlining registration, amplifying artisan awareness through outreach, and strengthening producer collectives will invigorate communities. Embracing partnerships with e-commerce giants and bolstering digital literacy can amplify global reach, mirroring the triumph of Maha Kumbh 2025's showcases. Blockchain-based traceability can further solidify consumer confidence. Regulating intermediary dominance and establishing export hubs will ensure that artisans reap equitable rewards. Through these concerted efforts, unifying global standards, fortifying enforcement, easing compliance, empowering institutions, harnessing digital platforms, and rectifying supply chain imbalances, Uttar Pradesh's GI-tagged handicrafts can transcend obstacles to claim their rightful prominence. This pursuit will not only safeguard artisan livelihoods and preserve India's cultural legacy but also crown Uttar Pradesh as a global beacon of artisanal mastery.

²⁵ Delphine Marie-Vivien, "The Protection of Geographical Indications in India: Issues and Challenges" 13 *Journal of World Intellectual Property* 234-250 (2010).