
PROTECTION OF GEOGRAPHICAL INDICATIONS IN UTTAR PRADESH

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ABSTRACT

Geographical indications (GIs) have become one of the most crucial tools for safeguarding the characteristics of commodities, quality, reputation, or other related matters associated with their geographical origin from the past few decades. The protection of geographical indications has become a part of intellectual property rights in the wake of the signing of The TRIPs Agreement. It prescribes minimum standards of protection of all kinds of IPR including geographical indications. In compliance with the said Agreement, the government of India only in 1999 had passed the Geographical Indications of Goods (Registration and Protection) Act, 1999 for registration and better protection of geographical indications. Their protections provide a huge range of economic value of the goods that accelerate the economic growth of the country. It also encourages the protection of socio-cultural, traditional and indigenous knowledge as well as skills of the particular region and locality. The present paper analyses the current situation of the registration of geographical indications in Uttar Pradesh. Since the implementation of said Act in 1999, there are only 56 products that have been registered from the state of Uttar Pradesh with the authority of the Government of India. The study also analyses whether the GI tag is instrumental in increasing the income of the producers of various products.

Keywords: Geographical Indications; TRIPs Agreement; Economic Growth and Uttar Pradesh.

I. Introduction

Geographical indications (GIs) have emerged as one of the most important tools for safeguarding the quality, reputation, or another characteristic of commodities primarily related to their geographical origin from the past few decades.¹ They help to understand the consumer to specify the origin and the quality of goods and products in a particular area.² They are commonly used on collective traditions and decision-making processes; reward traditions while allowing for continued evolution; emphasize the relationship between human efforts, culture, land resources and environment; and are not freely transferable from one owner to another.³ GI is an area of strength and optimism for India, where it has accorded protection to several hand-made and manufactured products, especially in the informal sector.⁴ Before the TRIPs Agreement, the protection of geographical indication had also been on the international agenda for some time. It was addressed to some extent in the Paris Convention of 1883 and also dealt with more specifically by the Lisbon Agreement for the Protection of Appellation of Origin and their International Registration, 1958. After a long period, it was only in 1995, that a concerted and more concrete effort in this respect was the inclusion in the TRIPS Agreement under Articles 22 and 23 which laid down the minimum standards at the international level for the protection of geographical indications.⁵ To comply with the provisions of the TRIPS Agreement, the government of India enacted the *Geographical Indications of Goods (Registration and Protection) Act, 1999* which is the first specific law which provides for the registration and protection of geographical indications. Before 1999, there were no specific laws in India on Geographical Indications which could adequately protect the interests of producers. Despite India being a party to the TRIPS Agreement, it did not enact any law on geographical indications until 1999. The Act came into force on 15 September 2003.⁶ In India, the geographical indications regime is regulated by the Geographical Indications of Goods (Registration and Protection) Act, 1999 followed by the Geographical Indications of Goods (Registration and Protection) Rules, 2002.⁷ The status of registration of geographical

¹ Suresh C Srivastava, "Geographical Indications and Legal Framework in India", 38 *Economic and Political Weekly* 422-433 (2003).

² Shahid Khan and Raghunath Mashelkar, *Intellectual Property and Competitive Strategies in the 21st Century* 17 (Kluwer Law International, The Netherlands, 2nd edn., 2009).

³ V K Ahuja, *Law Relating to Intellectual Property Rights* 438 (Lexis Nexis, New Delhi, 3rd edn., 2017).

⁴ National Intellectual Property Rights Policy, (2016)

⁵ Supra note 2 at 17.

⁶ B L Wadehra, *Law Relating to Intellectual Property* 449 (Universal Law Publishing, New Delhi 4th edn., 2010).

⁷ E T Lokganathan, *Intellectual Property Rights (IPRs): TRIPS Agreement and Indian Laws* 120 (New Century Publication, New Delhi, 1st edn., 2012).

indications is very low at the national and state levels as a total of 504⁸ goods have been registered with the authority of the government of India date after twenty years of implementation of the Act. The Parliamentary Standing Committee on its One Hundred Sixty-First Report on 'Review of Intellectual Property Rights Regime in India' has also taken into the cognizance of downtrend in registration of GIs in recent years.⁹ As far as the state of Uttar Pradesh is concerned, it is one of the most populous state of India having 75 districts. The registered commodities are under various categories such as agricultural, natural, manufactured, and handicraft goods and also include foodstuff. Till now, in Uttar Pradesh only 56 products have been registered as geographical indications by the Office of the Controller General of Patents, Design and Trademarks, Department of Promotion of Industry and Internal Trade, Ministry of Commerce and Industry, Government of India.

This paper aims to study the present scenario about registered commodities as GI in Uttar Pradesh. The paper covers commodities belonging to Agricultural, Handicraft, Natural, Food Stuff and Manufactured products. Among these, the handicraft category leads the top commodities, especially the Chikan Kaari, Carpet making and Pottery. The study entails all the registered commodities that come under the purview of the implementation of The Geographical Indication of Goods (Registration and Protection) Act, of 1999.

II. International Perspective for Protection of Geographical Indications.

A need for the protection of the geographical origin of products was felt long back by European countries more particularly for cheese, wine and spirits for individualizing the product concerned in the global market. Different international agreements sought to protect the name of the products which originated from a particular place or locality so that the names are not misused or commercially exploited by the competing traders who trade those products by misrepresenting the origin or source of production.¹⁰ Three international Conventions have been established before the TRIPS Agreement contains provisions relating to geographical indications or appellations of origin:¹¹

- Paris Convention for the Protection of Industrial Property, 1883

⁸ Available at <https://ipindia.gov.in/registered-gls.htm> (Last Visited on 09-10-2023).

⁹ Parliamentary Standing Committee on its One Hundred Sixty First Report on 'Review of Intellectual Property Rights Regime in India' (Rajya Sabha Secretariat, New Delhi, 2021).

¹⁰ Jayanta Lahiri, *Lecture on Intellectual Property Laws* 243 (R. Cambray & Co. Private Ltd, Kolkata, 1st edn., 2009).

¹¹ Carlos M. Correa, *Trade Related Aspects of Intellectual Property Rights: A Commentary on the TRIPS Agreement* 213 (Oxford university Press Inc., New York, 1st edn., 2007).

- Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods, 1891
- Lisbon Agreement for the Protection of Appellations of Origin and their International Registration, 1958.

The Paris Convention, of 1883 included GI protection, but under a different label (false indication). Although it only has a small number of participants. The Madrid Agreement, 1891 for the Repression of False or Deceptive Indications also covered GIs set the standard until the negotiation of TRIPS followed by the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration, 1958.¹² After the Uruguay round negotiation, the Trade-Related Aspects of Intellectual Property Rights (TRIPS) agreement which came into force on 1st January 1995 laid down minimum standards for the protection of all kinds of intellectual property rights including Geographical Indications. The TRIPS Agreement is not the first invocation of GIs in international law, though it can be said that it is the most important. The TRIPS has two protection criteria for GIs. TRIPS mandates that nations shall provide a legal means to restrict the use of geographical indications (GIs) that suggest the goods originate in a location other than their real place of origin under Article 22(2).¹³ Another provision of the agreement mandates that nations maintain a legal mechanism to nullify the registration of trademarks that contain or consist of a GI about goods not coming from the indicated territory.¹⁴ These rules only apply if the GI is used in a way that deceives the public about the true country of origin of the product.¹⁵

III. National Legal Framework of Geographical Indications

In India, there was no specific legislation relating to the protection of geographical indications before the Geographical Indications of Goods (Registration and Protection Act), 1999 was passed, which governs the protection of GIs.¹⁶ The GI Act was followed by the Geographical Indications of Goods (Registration and Protection) Rules, 2002. The said Act is divided into 9 chapters and 87 sections. The term GI is defined in the Act, as “Geographical Indication”, about goods, which means an indication which identifies such goods as

¹² Kal Raustiala and Stephen R. Munzer, “The Global Struggle over Geographical Indications”, 18 *European Journal of International Law* 337-365 (2007).

¹³ Agreement on Trade-Related Aspects of Intellectual Property Rights, 1995, art. 22(2).

¹⁴ Agreement on Trade-Related Aspects of Intellectual Property Rights, 1995, art. 23(3).

¹⁵ SK Yadav, RC Chaudhary and A Sahani, “Geographical Indication and Registration for It in Uttar Pradesh, India: Present and Future Potential”, 7 *International Journal of Research in Agricultural Science* 145-159 (2018).

¹⁶ V K Ahuja, “GATT, TRIPs and India” 50 *India Quarterly* 1-14 (1994).

agricultural goods, natural goods or manufactured goods as originating, or manufactured in the territory of a country, or a region or locality in that territory, where a given quality, reputation or other characteristics of such goods is essentially attributable to its geographical origin and in the case where such goods are manufactured goods one of the activities of either the production or of processing or preparation of the goods concerned take place in such territory, region or locality, as the case may be.¹⁷ Chapter II of the Act provides the register and conditions for registration. The Geographical Indications Registry with all-India jurisdiction was constituted by the Central Government under the GI Act¹⁸, which took effect on September 15, 2003, and is located in Chennai. Producers can apply there to have their respective GIs registered. The Controller General of Patents, Designs, and Trade Marks, who also functions as the Registrar of Geographical Indications, is responsible for managing the GIs.¹⁹ Section 16 of the Act provides for the procedure for registration. Geographical Indication is given for the period of ten years and can be renewed after that period.²⁰ The provisions relating to offences, penalties and procedure in Chapter VIII. The Act provides civil and criminal remedies in the form of injunction and imprisonment. The Central Government has the authority to make rules to give effect to the provisions of this Act.²¹

IV. Status of Registered Geographical Indications in Uttar Pradesh

Uttar Pradesh is not only a centre of biodiversity but also the centre of skilful craftsmen and product developers.²² Since the implementation of the Act, the State of Uttar Pradesh possesses 56²³ GI Tags out of all the GI Tags registered in India. The majority of these registered GI tags are from the financial year of 2022-23, which are ten in the count. The handicraft product category, which has 39 GI tags, is where the State of Uttar Pradesh contributes the most to GIs. Contrarily, there are only 11, 3, 2 and 1 under the category of agricultural goods, manufactured goods, foodstuff and natural goods respectively. The state of Uttar Pradesh is divided into 75 districts. Only 35 of the 75 districts have participated in GI tag registration, However, those remaining districts that have specialization in handicrafts, and natural and manufactured goods do not have registration for commodities. This is observed that

¹⁷ The Geographical Indication (Registration and Protection) Act, 1999 (Act 48 of 1999), s. 2(e).

¹⁸ The Geographical Indication (Registration and Protection) Act, 1999 (Act 48 of 1999), s. 5.

¹⁹ The Geographical Indication (Registration and Protection) Act, 1999 (Act 48 of 1999), s. 3.

²⁰ The Geographical Indication (Registration and Protection) Act, 1999 (Act 48 of 1999), s. 18.

²¹ The Geographical Indication (Registration and Protection) Act, 1999 (Act 48 of 1999), s. 87.

²² SK Yadav, RC Chaudhary and A Sahani, "Geographical Indication and Registration for It in Uttar Pradesh, India: Present and Future Potential", 5 *International Journal of Research in Agricultural Science* 48-57 (2018).

²³ Available at <https://ipindia.gov.in/registered-gis.htm> (Last Visited on 09-10-2023)

Varanasi has 14 products with GI tag register followed by Lucknow and Mirzapur as they contribute 3 products each registered as GIs with the government of India. The remaining 30 districts i.e., Meerut, Kanpur and Muzaffarnagar have only one response each registered with a GI tag. In 2018, the government of Uttar Pradesh introduced the scheme, “One District One Product” to encourage and revive Aborigines’ arts, crafts, and natural and manufactured products so that the products of any particular district can be identified to get a GI tag.

Geographical Indications Registered in Uttar Pradesh During 2007-23

S. No.	Application No.	Period	Geographical Indication (GI)	Goods (As per Sec 2(f) of GI Act 1999)	District
1.	50	2007-08	Allahabad Surkha Guava	Agricultural	Allahabad
2.	119	2008-09	Lucknow Chikan Craft	Handicraft	Lucknow
3.	125	2009-10	Mango Malihabadi Dussehri	Agricultural	Lucknow
4.	99	2009-10	Banaras Brocade and Sarees	Handicraft	Varanasi
5.	148	2010-11	Handmade Carpet of Badohi	Handicraft	Badohi
6.	233	2012-13	Agra Durrie	Handicraft	Agra
7.	234	2012-13	Farrukhabad Prints	Handicraft	Farrukhabad
8.	236	2012-13	Lucknow Zardozi	Handicraft	Lucknow
9.	237	2012-13	Banaras Brocads and Sarees	Handicraft	Varanasi
10.	205	2013-14	Kalanamak Rice	Agricultural	Siddharth Nagar
11.	155	2013-14	Firozabad Glass	Handicraft	Firozabad
12.	157	2013-14	Kannauj Perfume	Manufactured	Kannauj
13.	159	2013-14	Kanpur Saddlery	Handicraft	Kanpur

14.	161	2013-14	Moradabad Metal Craft	Handicraft	Moradabad
15.	184	2013-14	Saharanpur Wood Craft	Handicraft	Saharanpur
16.	389	2014-15	Meerut Scissors	Manufactured	Meerut
17.	178	2014-15	Khurja Pottery	Handicraft	Bulandshahar
18.	397	2014-15	Banaras Gulabi Meenakari craft	Handicraft	Varanasi
19.	457	2014-15	Banaras Wooden Lacquerware & Toys	Handicraft	Varanasi
20.	458	2014-15	Mirzapur Handmade Dari	Handicraft	Mirzapur
21.	459	2015-16	Nizamabad Black Pottery	Handicraft	Azamgarh
22.	145	2015-16	Basmati	Agricultural	Uttar Pradesh
23.	398	2016-17	Banaras Metal Repousse Craft	Handicraft	Varanasi
24.	177	2016-17	Varanasi Glass Beads	Handicraft	Varanasi
25.	555	2017-18	Ghazipur Wall-Hanging	Handicraft	Ghazipur
26.	556	2017-18	Varanasi Soft Stone Jali Work	Handicraft	Varanasi
27.	557	2018-19	Chunar Balua Patthar	Natural	Varanasi
28.	619	2019-20	Gorakhpur Terracotta	Handicraft	Gorakhpur
29.	621	2021-22	Chunar Glaze Pottery	Handicraft	Mirzapur
30.	620	2021-22	Banaras Zardozi	Handicraft	Varanasi
31.	622	2021-22	Mirzapur Pital Bartan	Handicraft	Mirzapur

32.	623	2021-22	Banaras Wood Carving	Handicraft	Varanasi
33.	624	2021-22	Banaras Hand Block Ptint	Handicraft	Varanasi
34.	206	2021-22	Rataul Mango	Agricultural	Baghpat
35.	645	2021-22	Mau Saree	Handicraft	Mau
36.	401	2021-22	Mahoba Desawari Pan	Agricultural	India (Uttar Pradesh and Madhya Pradesh)
37.	715	2022-23	Adamchini Chawal	Agricultural	Chandauli
38.	664	2022-23	Aligarh Tala	Handicraft	Aligarh
39.	665	2022-23	Bakhira Brassware	Handicraft	Sant Kabir Nagar
40.	666	2022-23	Banda Shazar Pattar Craft	Handicraft	Banda
41.	667	2022-23	Nagina Wood Craft	Handicraft	Bijnor
42.	668	2022-23	Pratapgarh Aonla	Agriculture	Pratapgarh
43.	672	2022-23	Hathras Hing	Food Stuff	Hathras
44.	716	2022-23	Banaras Langda Aam	Agriculture	Varanasi
45.	717	2022-23	Ramnagar Bhanta (Brinjal)	Agriculture	Varanasi
46.	723	2022-23	Muzaffarnagar Gur (Jaggery)	Food Stuff	Muzaffarnagar
47.	730	2022-23	Banaras Pan (Beetal Leaf)	Agriculture	Varanasi
48.	671	2023-24	Mahoba Gaura Patthar Hastshilp	Handicraft	Mahoba
49.	673	2023-24	Minpuri Tarkashi	Handicraft	Mainpuri

50.	674	2023-24	Sambhal Horn Craft	Handicraft	Sambhal
51.	670	2023-24	Amroha Dholak	Handicraft	Amroha
52.	731	2023-24	Bhagpat Home Furnishing	Handicraft	Bhagpat
53.	732	2023-24	Barabanki Handloom Product	Handicraft	Barabanki
54.	733	2023-24	Kalpi Handmade Paper	Handicraft	Jalaun
55.	721	2023-24	Agra Leather Footwear	Manufactured	Agra
56.	722	2023-24	Jalesar Dhatu Shilp (Metal Craft)	Handicraft	Etah

Source: <http://www.ipindia.nic.in/registered-gls.htm>

GI Tag registration in Uttar Pradesh during 2007-2023 under different categories

S. No.	Category	Number of GIs Tags	Percentage
1.	Handicraft	39	69.64
2.	Agricultural	11	19.64
3.	Manufactured	3	5.36
4.	Food Stuff	2	3.57
5.	Natural Goods	1	1.79

District-wise GI Tag registration in Uttar Pradesh during 2007-2023

S. No.	District	Number of GIs
1.	Varanasi	14
2.	Lucknow	3
3.	Mirzapur	3

4	Baghpat	2
5.	Agra	2
6.	Allahabad	1
7.	Badohi	1
8.	Siddharth Nagar	1
9.	Farukhabad	1
10.	Firozabad	1
11.	Kannauj	1
12.	Kanpur	1
13.	Moradabad	1
14.	Saharanpur	1
15.	Meerut	1
16.	Bulandshahar	1
17.	Azamgarh	1
18.	Ghazipur	1
19.	Gorakhpur	1
20.	Mau	1
21.	Muzaffarnagar	1
22.	Sant Kabir Nagar	1
23.	Aligarh	1
24.	Banda	1
25.	Pratapgarh	1
26.	Bijnor	1

27.	Mahoba	1
28.	Hathras	1
29.	Chandauli	1
30.	Mainpuri	1
31.	Sambhal	1
32.	Jalaun	1
33.	Etah	1
34.	Barabanki	1
35.	Amroha	1

VI. Conclusion

Geographical Indication as a part of intellectual property rights helps in establishing a linkage between the particular product and the territory to which it belongs and its origin. It also prevents unauthorized parties from using the protected geographical indications from a particular region which misleading the people as to the true origin of the products. It protects and strengthens local skills, and culture and increases economic growth in rural and urban areas, which, in turn, promotes GI-registered goods for ensuring the socio-economic well-being of that particular region. The present paper on the state of Uttar Pradesh shows poor awareness about the registration process of GIs among the rural and urban masses despite the availability of comprehensive legislation such as the Geographical Indication of Good (Registration and Protection) Act, 1999. The exploitation of the potential of GI needs a holistic approach on the part of the government for disseminating awareness amongst MSMEs, small businessmen, traditional artisans and craftsmen located in remote areas and providing them insight into the economic values of their products protected under the IPR legislation.