



## AGRICULTURAL GEOGRAPHICAL INDICATIONS (GIS) IN INDIA: NEED, IMPORTANCE AND BENEFITS

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### ABSTRACT

*Every region has its claim to fame. In India agricultural produces and fruit crops growing under specific climate and in a specific zone of climate have led to developing specialty of a particular region for either a particular fruit crop or an agricultural produce. Recently, total seven numbers of agricultural produces and fruit crops from Maharashtra's Konkan and some other regions are officially registered for it under the Geographical Indications (GIs) Act, 1999. It will offer certain benefits to the farmers and producers in the region and help them to create their own unique identity as the growers or producers.*

*Basically, Geographical Indication (GI) is the name or sign used on certain products which corresponds to a specific geographical location or origin. Mostly, the qualities and characteristics of certain goods attributable to some geographical locations and reputable to "as produce of certain region" come under GIs. It also considers territory of manufacture, a country, a region or a specific locality. The quality, reputation or other characteristic of such goods is essentially attributable to its geographical origin. Registering for and obtaining GI is an emerging trend, which comes under Intellectual Property Rights (IPRs). Today, competitive world essentially demands for such a kind of recognition, repute and legal protection as well. Considering India's past experience in case agricultural produces or goods (i.e. Haladi, Basmati Rice etc.) at the global level it became necessary to register for more and more agricultural GIs in time. The farmers and producers from the various regions or states in India should necessarily go for it in order to maintain and protect the identity and specialty of the agricultural produces and fruit crops belongs to their region, and must enjoy certain benefits. While marching towards obtaining GIs, they should be aware of*

*fundamental, technical and legal aspects of it. Present article highlights the need, importance and benefits of obtaining GIs in its discussion.*

**Keywords:** Agricultural Produces and Fruit Crops, Geographical Indications (GIs), Intellectual Property Rights (IPRs).

## 1. INTRODUCTION

Some agricultural produces and fruit crops like kokam or Ratambi, Cashew (Kaju), Onion, Ajara Ghansal Rice, Navapur Tur, Vaghya Ghevada and Mangalvedha Jowar from Maharashtra have recently got Geographical Indication (GI) as they are officially registered for it under the Geographical Indications (Registration and Protection) Act, 1999 [1]. This will create trustworthiness about quality of the products; and recognition to the country, region or area i.e. the State of Maharashtra in particular. Now, all the above seven crops with their geographical and regional tradition will get protection under the Act and in turn offer certain benefits to the farmers and producers in the state those who are belonging to that particular region or area.

Basically, a large variety of fruits grown in different states of India, of which Mango, Banana, Citrus, Guava, Grape, Pineapple, and Apple are the major ones. Apart from these, some other fruits like Papaya, Sapota, Annona, Phalsa, Jackfruit, Ber, Pomegranate in tropical and subtropical areas and peach, pear, almond, apricot and strawberry in the temperate region are also grown in a sizeable area. Similarly, some agricultural produces like Rice, Wheat, Tea, Coffee, Spices, and also different Flowers with their distinguish features are belonging to the various regions or states. In India many varieties of such a fruit crops and agricultural produce are growing under specific climate and in a specific zone of climate. This specific type of climate is responsible for acquiring some unique characteristics to that particular variety of agricultural produce or fruit crop [2]. Some examples of varieties of fruit crops which are grown under specific climate includes Alphonso variety of mango in konkan region, Kesar variety of mango in Gujarat, Banginpalli variety of mango in Vishakhapatnam region of Andhra Pradesh, Shahi variety of litchi in Bihar, Nagpur Mandarin of citrus in Nagpur region of Maharashtra, Kinnow variety of citrus in Punjab, Khasi Mandarin in khasi hills, etc. On the other hand, the varieties of agricultural produces mainly includes Wayanad Jeerakasala, Wayanad Gandhakasala, Palakkadan Matta, Pokkali, Kaipad and Navara varieties of rice in Kerala, Kalanamak rice in Uttar Pradesh, Bhalia wheat in Gujarat, Sikkim Large cardamom, Coorg Green cardamom in Karnataka, Byadgi chilli in Karnataka, Naga Mircha in Nagaland, Malabar pepper in Kerala, Alleppey Green cardamom in Kerala, Ganjam

Kewda rooh and Ganjam Kewda flower in Odisha and the like [3]. In spite of such a big list there remain certain agricultural produces and fruit crops belonging to and is the specialties of some regions, which are require to be brought under the purview of Intellectual Property Rights (IPRs) and Geographical Indications (GIs) in particular.

This article is the outcome of an idea and a sincere thought from the author's mind who wants to share some information about GIs with the readers. It is initiated in the context of some latest agricultural GIs obtained for the above mentioned agricultural produces and fruit crops from the Konkan as well as other regions of Maharashtra state.

The article offers a brief introduction of GIs to the readers who are not familiar with the subject. The main objective is to provide an insight into the meaning and nature of GI, its need and importance, and benefits in a summarized form. The discussion in the article also aims to provide for the simple statistics of registered GIs in India. Hence, the article will be a useful document for the beginners those who are interested in understanding what the GIs is all about.

The entire writing and contribution in the article is based on the secondary data and information, which is obtained from the government publications and publications of the renowned private organizations. The author has thoroughly studied some research papers and articles, handbooks, reports and such other relevant material.

## **2. DISCUSSION**

Considering the central theme of the article it is necessary to produce the insight into the basic concept of GI; importantly need, importance and benefits of GI; and an overview of the past and current scenario of Geographical Indications in India, which is given in the text below.

### **Meaning of GI**

Basically, GI is a sign used on products that have a specific geographical origin and possess the qualities or reputation that are due to that origin. In order to function as a GI, a sign must identify a product as originating in a given place or locality. In addition, the qualities, characteristics or reputation of the product should be essentially due to the place of origin. Since the qualities depend on the geographical place of production, there is a clear link between the product and its original place of production. In short,

- It is an indication
- It originates from a definite geographical territory.
- It is used to identify agricultural, natural or manufactured goods

- It should have a special quality or reputation or other characteristics

As defined in the WIPO Handbook on IPR, the basic concept underlying GIs is simple, and familiar to any shopper who chooses Roquefort over “blue” cheese or Darjeeling over “black” tea. In fact, “Cognac”, “Scotch”, “Porto”, “Havana”, “Tequila” and “Darjeeling” are some well-known examples of names associated throughout the world with products of a certain nature and quality, known for their geographical origin and for having the characteristics linked to that origin [4]. Thus, a GI is a sign used on products that have a specific geographical origin and possess the qualities or reputation that are due to that origin.

According to the Trade Related Agreement on Intellectual Property Rights (TRIPs) of the World Trade Organization (WTO), “GIs are, for the purposes of this agreement, is an indication 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” [5]. To be summarized, GI is a name or sign used on certain products which corresponds to a specific geographical location or origin (e.g. a town, region, or country). The use of a geographical indication may act as a certification that the product possesses certain qualities, is made according to traditional methods, or enjoys a certain reputation, due to its geographical origin.

According to Section 1 (3) (e) of the Geographical Indications of Goods (GIs) Act, 1999 the term "Geographical Indication (GI)" has been defined as "An indication which identifies such goods as 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 characteristic of such goods is essentially attributable to its geographical origin and in case where such goods are manufactured goods one of the activities of either the production or of processing or preparation of the goods concerned takes place in such territory, region or locality, as the case may be" [6]. Thus, for the purpose of the provisions of the Act, any name which is not the name of country, region or locality of that country shall also be considered as the geographical indication if it relates to a specific geographical area and is used upon or in relation to particular goods originating from that country, region or locality, as the case may be.

Some of the registered geographical indications includes, agricultural goods like Darjeeling tea, Malabar Pepper, Bangalore Blue Grapes, Konkan Alphanso Mango, Nagput Orange; manufactured goods like Pochampalli Ikat, Kancheepuram Silk, Solapuri Chadars Bagh Prints, Madhubani Paintings, Kanchipuram Silk Saree, Kolhapuri Chappal; food stuffs like Bikaneri Bhujia, Agra Petha, Banglar Rasogolla etc. and now the most recent

one is Kokam or Ratambi and Cashew (Kaju) from the Konkan region of Maharashtra which comes under agricultural goods [7].

### **Need and Importance of GI**

Producers of the products with unique features and goods attributable to some geographical locations and reputable to as produce of certain region as well as manufacturers of certain products maintaining the quality of their products, which are generally exposed to unfair competition from producers who sell lower quality products at the same price. This unethical practice of selling fake products in the name of reputed products to fetch better prices is rampant in the Indian market and even abroad. In India, for example, consumers usually do not have perfect access to information regarding the prices of goods, and even less so to the quality of the goods. In a situation like this, GI protection has the potential to eliminate information asymmetry and benefit both the producers and the consumers. Once the goods are registered as GI, they will be protected under the GI Law and any violation on this account would be tantamount to a legal offence. If the Act is implemented effectively, it will act as a deterrent to unethical producers selling their low quality and cheap products free riding on the reputation enjoyed by GI goods. Once the GI tag is attached to products, it acts as a signaling device that helps producers to differentiate their products from competing products in the market and enables them to build reputation and goodwill around their products, which allows them to fetch a premium price [8]. Thus, the users of produces or goods which come under GI can enjoy strongest position in the competition and experience economic prosperity.

As mentioned above GI as an intellectual is of great significance in today's highly competitive world. It gives legal protection and offers strong support to producers against unfair competition. As an example, it is worth to mention that GI to Kokam or Ratambi from Konkan is commercially and legally beneficial to the farmers and producers. In future, various products made from Kokam can be patented easily on the basis of GI, which is already been taken. Basically, Kokam is a unique fruit crop from Konkan and it does not have different varieties. Even farmers are taking more and more production of Kokam and also undertake its plantation at an increasing rate. Today's plantation is natural and for that one can also claim for organic production. In the present scenario registering for GI and becoming authorized producer is very much important.

### **Benefits of GI**

GIs have potentially positive implications towards the protection of indigenous knowledge and as a means for generating livelihood and income. It offers certain benefits as under.

1. It confers legal protection to GIs in India.
2. It also enables seeking legal protection in other WTO member countries.
3. It gives the producers of a region the exclusive right to use the indication for their products originating from that region.
4. It prevents unauthorized use of a Registered GI by others [9].
5. It gives assurance about the quality of a product.
6. It helps producers to fetch premium price for their products.
7. It gives specific identity to agricultural produces, fruit crops and other products.
8. It gives name and fame to the agricultural produces which otherwise cannot be enjoy.
9. It helps to create domestic as well as foreign market to Indian GIs.
10. It offers an opportunity to enter into international markets which in turn boost exports.
11. It promotes economic prosperity of producers of goods produced in a geographical territory.
12. It contributes to the socio-economic improvement of regions around the world.
13. It contributes to sustainable development of a geographical territory.
14. It protects natural treasures and maintains the cultural heritage.
15. It acts as a signaling device that helps the producers to differentiate their products from competing products in the market and enable them to build a reputation and goodwill in the market [10].
16. It makes the products or goods valuable to the producers those who wish to offer their diverse products identified by the GIs in the globalised market [11].

### **Scenario of Registered GIs in India**

In India GIs can be register with the office of GI Registry, which is located at Chennai. Any association of persons, producers, organization or authority established by or under the law can apply for registration of GI in a prescribe format along with necessary documents and prescribe fees (Refer-[www.ipindia.nic.in](http://www.ipindia.nic.in) or [www.ipindia.gov.in](http://www.ipindia.gov.in)). All the GIs in India are register under the Geographical Indications (Registration and Protection) Act, 1999. From 15<sup>th</sup> September, 2003 till today total 261 GIs of different types and belonging to different classes are registered in India. Out of which about 70 GIs are for the type "Agriculture" falling in the Class 31. Some products or goods from the countries like Mexico, Peru, France, U.S.A., Italy, Portugal U.K. etc, are also registered in India. The following table shows statistics of state wise agricultural GIs registered in India.

**Table 1: State wise Distribution of Agricultural Geographical Indications in India  
(15th September, 2003 – 31st March, 2016)**

Sr. No.	State	Total Agricultural GIs
1		1
2	Arunachal Pradesh	1
3	Assam	3
4	Bihar	NIL
5	Chattisgarh	NIL
6	Goa	NIL
7	Gujarat	2
8	Himachal Pradesh	1
9	Jammu & Kashmir	NIL
10	Karnataka	16
11	Kerala	11
12	Madhya Pradesh	NIL
13	Maharashtra	11
14	Manipur	1
15	Meghalaya	2
16	Mizoram	1
17	Nagaland	2
18	Odisha	2
19	Pudducherry (Pondicherry)	NIL
20	Rajasthan	1
21	Sikkim	1
22	Tamilnadu	4
23	Telangana	NIL
24	Tripura	1
25	Uttar Pradesh	3
26	West Bengal	4
27	The entire states of Punjab, Haryana, Delhi, Himachal Pradesh, Uttarakhand, and parts of western Uttar Pradesh and Jammu & Kashmir	1

**Source: GI Registry of India, Chennai.**

From the above figures it can be interpreted that the state of Karnataka is at the first position with 38 GIs in total and 16 agricultural GIs. At the second position there is Kerala with 26 numbers of total GIS and 11 agricultural GIs. And now Maharashtra is at the third position in the country with total 17 GIs which includes 7 recently registered GIs. Maharashtra has 11 numbers of agricultural GIs. Still some states like Bihar, Chattisgarh, Goa, Jammu & Kashmir, Madhya Pradesh, Pudducherry (Pondicherry), Telangana do not have a single agricultural GI. The states of Punjab, Haryana, Delhi, Himachal Pradesh, Uttarakhand, and parts of western Uttar Pradesh, and Jammu & Kashmir have commonly obtained GI for Basmati rice, which is the specialty of India and some other Asian countries. Two more applications for agricultural GI for Tulaipanji and Gobindobhog rice are pending

with the registry along with other three for Mysore silk (Handicraft), Banglar rasogolla (Food stuffs), and Lamphun Brocade Thai silk (Textiles) [12].

### **3. CONCLUSIONS**

Though it is not compulsory, there is an urgent need for registration of some goods, products, logos, agricultural produces and fruit crops with special features, which are still not brought under the protection of GIs. Individuals, organizations or associations, producers and farmers must have to take a lead and require to understand technical as well as legal sides, and if require must ask for assistance from experts, consultants etc. operating in this field. GIs is a rising field of Intellectual property in the world. Our country, India is endowed with diverse agro climatic conditions, which have encouraged the growing of a large number of agricultural produces and fruit crops. Most of them have some special or unique characteristics than the produces and fruits growing in other countries. These special characteristics facilitated the registration of agricultural produces and fruit crops under GIs. But, the registered agricultural GIs are very low in numbers than the existing produces and crops actually have potential and are eligible for registration. So, there is a need to create awareness among the farmers community about the importance of GIs. Out of 261 total GIs at present agricultural GIs are about 70 i.e. less than 1/3 of the total numbers. The Department of Agriculture, Govt. of India and the State Governments are taking efforts into it. The World Bank has also offered financial support in this mission. However, there is a great need to increase the number of agricultural GIs to gain competitive advantage commercially and legally.

In the context of recently obtained GIs for agricultural produces and fruit crops, it can be said that registering for GI is no doubt a great achievement and prideful thing to Indians. But, the farmers and producers should have to create and capture their own market right fully. The Central and State Governments should have to provide assistance for registration of these agricultural produces and fruit crops in foreign countries also in order to provide real benefits in the globalized market. In future more and more such GIs should obtain to make our country rich in terms of GIs and IPRs.

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