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Research Article

The Evolution and Development of Protection to Geographical Indications under the WTO: An Assessment

Jai Singh Chauhan[1*], Dr. Haider Ali[2]

[1*]Research Scholar, Institute of Legal Studies and Research, Mangalayatan University, Beswan, Aligarh (Uttar Pradesh)
[2]Associate Professor & Head, Institute of Legal Studies and Research, Mangalayatan University, Beswan, Aligarh (Uttar Pradesh)

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ABSTRACT

Geographical Indications play an analogous role to that played by trademark i.e. both types of IPRs are used for the purpose of identification of products. The expeditious growth of global trading system due to global economic interaction between buyers and sellers has brought markets closer than ever before. Given the extent of liberalization in Global trade, a concern amongst others is based on the protection of Intellectual property Rights for the good/products that find themselves in markets at the other end of the world. In the context of International Trade the World Trade Organization deals with the rules of trade between nations at a near-global level. The WTO has three basic functions: Providing set of rules for international trade, being a forum for negotiations and forum for monitoring of trade rules implementation and for resolving disputes between member countries. The WTO is a member driven organization, and takes decisions on the basis of consensus. The TRIPS of the WTO Agreement covers the main area of intellectual property: Copyright and related rights, Industrial property rights, including trademarks geographical indications, industrial designs, patents etc. The TRIPS Agreement provides for a minimum level of protection. GI represent a complex and controversial issue, both at national and international levels. They involve not only considerable commercial and economic stakes but also important socio historical and cultural dimensions. The territorial nature of Intellectual Properties poses another potential problem in International trade as the product may be adequately protected in the country of origin due to legislative mechanisms available locally but may not find the same or similar level of protection in other Jurisdiction where forms of protection could drastically vary. At multilateral level protection of Geographical Indications has posed political and economic debate amongst members. Fundamentally, the debate is not divided along traditional East-West lines, because in most cases Western countries such as the USA and an EU tend to unite while discussing contentious issues against Eastern countries in the WTO.

Keywords: Geographical Indications, Products, TRIPS, WTO

Introduction:

The World Trade Organization is an inter-governmental organization headquartered in Geneva and Switzerland that regulates and facilitates international trade. Governments use the organization to establish, revise, and enforce the rules that govern international trade in cooperation with the United Nations System.The World Trade Organization (WTO) covers geographical indications (GI) under Articles 22 to 24 of the Trade Related Aspects of Intellectual Property Rights (TRIPS) Agreement. The agreement defines GIs as place names or words associated with a place that identifies a product's origin, quality, reputation, or other characteristics. For example, "Champagne", "Tequila", and "Roquefort" are all GIs. The agreement also states that GIs can identify a product as originating from a member's territory, or a region or locality within that territory, where the product's characteristics are primarily due to its geographical origin. The WTO's 1994 agreement on intellectual property expanded the protection of GIs and extended it to more countries than previous international agreements. Some issues debated in the TRIPS Council under the Doha mandate

include; (i) creating a multilateral register for wines and spirits and, (ii) extending the higher level of protection granted to wines and spirits to all products. Geographical Indication protection was included in International agreement on the protection of intellectual property[1]with expansion of International trade during 19th century.

France was the first country to take the initiative and enact a comprehensive system for the protection of geographical indications that later influenced the making of both national laws and international treaties. The TRIPS Agreement is not the first invocation of GIs in international law, though it can be said that it is the most important. GI protection was part of the Paris Convention for the protection of Industrial Property (1883), but under adifferent label ('false indication'). The 1891 Madrid Agreement for the Repressionof False or Deceptive Indications also addressed GIs, though it has relatively few parties. In the 20th century, the Lisbon Agreement on Appellation of Origin (1958) set the standard until the negotiation of TRIPS. National laws on GIs are even older[2].

Research Methodology:

The study is explorative in nature, coupled with desk and library based research. Comparative approach has been adopted especially while borrowing the experience of protecting GIs by various European Union, United States and India. Although the study is juridical based, the research topic as well as the objectives of the research constrain the investigation of different economic concepts and theories underlying the protection of GIs.Moreover, Cyberspace based research has been employed significantly, in looking information from different secondary sources such as text books, relevant journal articles, study report on GIs etc. Also, relevant legislation or treaties responsible for GIs protection were looked upon. Qualitative analysis is the method used to analyze data.

Definition:

Geographical Indication (GI) is an indication[3,4,5,6,7,8], in form of name and sign used on a product that originates from a specific geographical location. The product must possess reputation and qualities of the place of origin[9]. GI are generally registered on products produced by rural, marginal and indigenous communities over generations that have garnered massive reputation at the national and International level due to some of its unique qualities, characteristic or reputation of products. GI tag gives the right to only those registered users the right to use the product name, and prevents others from using the product name that does not meet the standards prescribed.

Provisions of the PreTRIPS:

The TRIPS Agreement's protection of geographical indications is quite unusual, in that the Agreement first provides for general protection for all geographical indications, and then affords special, elevated protection to geographical indications that concern wine and spirits[10]. The pre TRIPS agreements, did not seek to provide protection for GIs as a prescriptive matter. Rather than, agreements addressed particular needs, gaps, and challenges in cross-border trade in goods[11].

Paris Convention:

The international protection of GIs, in one form or another, dates back to the time of the adoption of the Paris Convention for the protection of Industrial Property in 1883. Under the Paris Convention, the scope of protected subject matter, in terms of Article 1.2 included 'indications of source and appellations of origin'. The protection required to be offered by the members of the Paris Convention was to assure nationals of other Convention members' effective protection against unfair competition. Article 10bis of the Paris Convention defines an act of unfair competition as "any act of competition country to honest practices in industrial and commercial matters"[12]. Acts specifically prohibited by the Paris Convention include, among others, 'indications or allegations the use of which in the course of trade is liable to mislead the public as to the nature, the manufacturing process, the characteristics, the suitability for their purpose, or the quantity, of the goods'.

The Madrid Agreement:

The Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods came into forcein 1891. The Madrid Agreement expanded protection by prohibiting products with false and deceptive indications of origin. However, the Madrid Agreement did not protect generic terms and further allowed national courts to determine which indications of origin are generic. Asa result, with the exception of wine, which is specifically excluded from generic treatment by Article4, the national courts were free to develop different approaches to the Madrid Agreement and often have provided limited protection for foreign GIs. This article is note worthy, since it constitutes adeparture from the general rule that the conditions of protection of an indication of source and, in particular, whether a specific indication of source is considered generic, are to be determined by the country in which protectionis sought. Moreover, the small number of

signatories, thirty-five in all, has limited the scope of the international GI protection the Madrid Agreement provides.

Lisbon Agreement:

Lisbon Diplomatic Conference was organized in 1958 for protection of Appellations of origin and their International Registration. Proceedings of Lisbon Agreement were to improve the international protection for geographical indications within the frame work of the Paris Convention and the Madrid Agreement on Indications of Source and the Protection of Appellations of Origin and their International Registratio[13]. The Lisbon Agreement was adopted in 1958 and revised at Stockholm in 1967. It entered into force on September 25, 1966, and is administered by the International Bureau o fWIPO, which keeps the International Register of Appellations of Origin[14]. The Lisbon Agreement provided additional protection for GIs. The Lisbon Agreement defined an appellation of origin under Article2[1] as *"the geographical name ofa country, region, or locality, which serves to designate aproduct originating therein, the quality and characteristics of which are due exclusively or essentially to the geographical environment, including natural and human factors"*[15]. The Lisbon Agreement however only protects GIs to the extent they are protected in the country of origin. Article 2(2) of the Lisbon Agreement defines the 'country of origin' as the 'the country whose name, or the country in which is situated the region or locality whose name, constitutes the appellation of origin that has given the product its reputation'. Under this definition[16], (i) the appellation of origin should bethe geographical denomination of a country, region or locality means that the appellation is to consist of a denomination that identifies a geographical entity in the country of origin; (ii) the appellation of origin must serve to designate a product originating in the country, region or locality concerned means that, in addition to identifying a place, the geographical denomination in question must be known as the designation of a product originating in that place–requirement of reputation; (iii) the quality or characteristics of the product to which the appellation of origin relates, which must be due exclusively or essentially to the geographical environment of the place where the product originates. The reference to the geographical environment means that there is to be a qualitative connection between the product and the place in which the product originates. The geographical environment is determined on the one hand by aset of natural factors (such as soil and climate) and on the other hand by a set of human factors for instance, the traditional knowledge or know how used in the place where the product originates.

Negotiations on the protection of GIs before the TRIPS:

The regulation of GIs in TRIPS was the result of a compromise among conflicting economic, political, legal interests. It was considered that other forms of Intellectual Property in the TRIPS Agreement was the different negotiating countries in order to agree to the present regime of international regulation of GI, which started with general discussions about the objectives to be reached and principles of international law to be applied[17] did not have a clear understanding of the nature, specific characteristics, and relevance of GIs and openly questioned, whether it was appropriate to deal with this particular form of Intellectual Property in the Negotiation Group[18], in their opinion, there were no Trade Related Aspects Connected with them or at least none that could not be resolved through the international regulation of trademarks[19]. On the other side of the spectrum were other countries, such as the EU and Switzerland, for which the protection of GIs was of extreme significance given the long-term establishment of GIs in their economies and legal tradition. They under scored the importance of this particular form of IP for their government and note don more than one occasion that they "could not see the logic in accepting that GATT could deal with some substantive standards of Intellectual Property and, at the same time, claiming that other intellectual property rights could not be discussed[20].It became clear at that point that no agreement could have been reached with the EU without the inclusion in the TRIPS Agreement of some level of protection for GIs that could have been considered satisfactory from the community perspective[21]. The EU proposal was therefore followed by a series of similar drafts of complete texts of TRIPS Agreement, submitted in May 1990 by the United States, Switzerland, and Japan[21], all of which borrowed substantially from the community's text[22].

Chairman of the negotiations produced a composite text that summarized the relevant points and alternatives of the proposals mentioned above[23]. This document represented the basis on which the negotiations which anticipated the Brussels meeting of December 1990, took place. The Brussels meeting produced tangible results and the Draft Final Act was issued by December 1991[24]. The initial EU proposal included under "Restricted Acts" that "any usurpation, imitation, even where the true origin of the produce was indicated or the appellation or designation was used in translation or accompanied by expressions such as "kind", 'type,' style', 'imitation' or the like[25]. In that context, this provision extended to all GIs no matter the kind of product to which they are associated, whereas in the TRIPS Agreement, a very similar rule is established in Article23, but only for wine sand spirits[26].

The Uruguay Round of the GATT negotiations began in 1986, precisely when India's development policy making process was at a watershed. By the time India launched its massive economic reforms package in1991, marking a paradigm shift in its policy, the Uruguay Round negotiations were well underway, paving the path towards Marrakesh in 1994 and the establishment of the WTO. India remained a cautious and

somewhat passive player during the initial years of the Uruguay Round negotiations, given its long legacy of inward looking development strategy and protection is trade policy regime[27].
However, at Doha India wanted to extend protection under GI beyond wine and spirit, to other products. A number of countries wanted to negotiate extending this higher level of protection to other products as they see a higher level of protection as a way to improve marketing their products by differentiating the more effectively from their competitors and they object to other countries 'usurping' their terms. Some others opposed the move, and the debate has included the question of whether the Doha Declaration provides a mandate for negotiations[28]. The development of international rules on GIs has been a result of distinct periods before and after TRIPS[29]. These distinct periods may be summarized as; (i) before the negotiation and passage of the TRIPS Agreement, (ii) after the adoption of TRIPS obligations by member countries, and (iii) The post-TRIPS period marked by the (i) Doha negotiations and Developments in bilateral and regional trade arrangements as well as development at World Intellectual Property Organization (WIPO).

Contemporary Application of GIs and TRIPS Agreement:

(i) Article1.1ofTRIPS: It provides the minimum standards of Intellectual Property: Rights protection that WTO Members are obliged to comply with. Members however, are free to implement more extensive protection, provided such protection does not contravene the provisions of the Agreement. TRIPS also leave it up to the Member countries to determine the appropriate method of implementing the provisions of the Agreement within their own legal system and practice.

(ii) TRIPS Agreement: The TRIPS Agreement, which provides a comprehensive definition of a GI, is thefirst truly multilateral agreement for the international protection of GIs. In orderto understand the development of the legal frame work adopted nationally with respect to GIs, it isessential to understand some of the main features of the TRIPS Agreement.

(iii) Salient features of the TRIPS Agreement:

a) **Standards:** In respect of each of the main areas of intellectual property covered by the TRIPS Agreement, the Agreement sets out the minimum standards of protection to be provided by each Member. Each of the main elements of protection is defined, namely the subject matter to be protected, the rights to be conferred and permissible exceptions to those rights, and the minimum duration of protection. The Agreement sets these standards by requiring, first, that the substantive obligations of the main conventions of the WIPO, the Paris Convention for the Protection of Industrial Property (Paris Convention) and Berne Convention for the protection of Literary and Artistic Works (Berne Convention) in their most recent version must be complied with. With the exception of the provisions of these conventions are incorporated by reference and thus become obligations under TRIPS Agreement.

b) **TRIPS Member Countries:** The relevant provisions are found in Article 2.1 and 9.1 of the TRIPS Agreement, which relate, respectively to the Paris Convention and to the Berne Convention; secondly, the TRIPS Agreement adds a substantial number of additional obligations on matters where the pre-existing conventions are silent or were seenas being inadequate. The TRIPS Agreement is thus sometimes referred to as a Berne and Paris plus Agreement.

c) **Enforcement:** The second main set of provisions deals with domestic procedures and remedies for the enforcement of intellectual property rights. The Agreement lays down certain general principles applicable to all IPR enforcement procedures. In addition, it contains provisions on civil and administrative procedures and remedies, provisional measures, special requirements related to border measures and criminal procedures, which specify, in a certain amount of detail, the procedures and remedies that must be available so that right holders can effectively enforce their rights.

d) **Dispute settlement:** The Agreement facilitates dispute resolution amongst WTO Member about the respect of the TRIPS obligations subjects to the WTO's dispute settlement procedure. In addition the Agreement provides for certain basic principles, such as national and most-favored-nation treatment, and some general rules to ensure that procedural difficulties in acquiring or maintaining IPRs do not nullify the substantive benefits that should flow from the Agreement. The obligations under the Agreement will apply equally to all Member countries, but developing countries will have a longer period to phase the min.

Part-II Section-3 of TRIPS Agreement for GIs: Part II section 3 does not discriminate between either agricultural or industrial goods, nor do the provisions discriminate between manufactured and handicraft goods. The only distinction with respect to application of section 3 exists in the form of additional protection for wines and spirits through Article 23 and is an accepted interpretation of the TRIPS Agreement[30]

Article22(1) provides a definition of GIs, which has two principle elements that are considered to be international standards developed beyond what existed before TRIPS. It provides interalia *'Geographical Indications are for purposes of this Agreement, 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'.*

Definition of GIs which may be given protection includes those which are not verbal by its nature, rather even images; symbols, packaging etc. are also included[31]. However, services are excluded from protection, but protection extends to even non-agricultural food products. Still, for all practical purposes, the law of geographical indications is about food stuffs. Moreover, the definition does not mention expressly whether 'human factor[32], is among other criterion that falls within the ambit of "quality, reputation or other characteristics" some commentators do argue that, such silence means 'human factor' is not included, because, other multilateral agreements expressly incorporated it. However, others consider 'human factor' to have been included, they argue that the history of the negotiation which resulted to the definition does not show any proposed draft which opposed the need of including 'human factor' as proposed by the EU. Hence, Dunkel's draft should be interpreted tohaveincorporated'humanfactor'.

The definition further commands the need of connectivity between the qualities in question vis-à-vis a producing geographic region. The article needs the quality of a good be "essentially attributable" to the geographical region where it is produced. Majority think this is a lax standard when compared to that imposed by the Lisbon Agreement, which requires the good to have a quality which is 'dueexclusively' or 'essentially' or to the land where it is produced. However, Hughes[33] finds both standards the same because 'exclusively' and 'essentially' has the same coverage. If particular geographical region A is essential for producing product qualities Z, surely that means no other geographical region will do as a product input. But that is the same thing assaying that region A has exclusivity for qualities Z. If, geographic region Bcan also producequalities Z, then 'A' is not 'exclusive', but neither is it 'essential'. However, there is no legal pronouncement to up hold any of the conflicting view up to now. For ensuring common standards of the agreement, article 22(2) set down two basic operative requirement applicable for all GIs: 'In respect of geographical indications, members shall provide the legal means for interested parties to prevent; (a) *the use of any means in the designation or presentation of a good that indicates or suggests that the good in question originates in a geographical area other than the true place of origin in a manner that misleads the public as to the geographical origin of the good; and (b) any use which constitutes an act of unfair competition within the meaning of Article 10bis of the Paris Convention(1967).*

The standards set under article22 are qualified by article23 which provide additional protection for GIs relating to wines and spirits. The extension is two fold: firstly, it relates to cancellation of existing registered trade marks and secondly, use of trademarks bearing false indication denoting wines and spiritseven if the public is not mislead, it does not matter whether the use of such alabel or trademark is in translated form such as 'type', 'kind', 'style' or the like so that the public is not mislead. However the provision of this article is subject to exceptions provided under article24. Generally it provides that each Member shall provide the legal means for interested parties to prevent use of geographical indication identifying wines for wines not originating in the place indicated by the geographical indication in question or identifying spirits for spirit not originating in the place indicated by the geographical indication inquestion, even where the true origin of the goods is indicated or the geographical indication is used in translation or accompanied by expressions such as 'kind', 'type', 'style', 'imitation', or the like[34].

Article 24(1) and (2) concern the WTO obligations on continuing negotiations, also article 24[3] is simply a prohibition on back-tracking. TRIPS obligations are afloor, not a justification to 'diminish the protection of GIs existed prior to the entry into force of the agreement. Article 24(4) through (9) provides an array of limitations and exceptions to the GIs obligations in articles 22 and 23. Article 24(4) specially relates to GIs for wines or spirits protected in country X, whilst producers in country Y were already using that geographic word in connection with goods or service. Article 24(6) excludes obligation of protecting GIs which have accidentally through historical usage became generic.

Key Issue of Doha Development Round: The protection of GIs has, over the years, emerged as one of the most contentious IPR issues in the realm of the TRIPS agreement of the WTO. At the Fourth Ministerial Conference in Doha, Qatar, in November 2001 WTO member governments agreed to launch new negotiations. They also agreed to work on other issues, in particular the implementation of the present agreements. The entire package is called the Doha Development Agenda (DDA)[35]. The negotiations take place in the Trade Negotiations Committee and its subsidiaries, which are usually, either regular councils or committees meeting in "special sessions", or specially-created negotiating groups. Other work under the programme takes place in other WTC councils and committees.The DDA was the Forth Ministerial conference undertaken by the World Trade. The Fifth Ministerial Conference in Cancun, Mexico, in September 2003, was intended as a stock-taking meeting where members would agree on how to complete the rest of the negotiations. But the meeting was soured by discord onagricultural issues, including cotton, and ended in deadlock on the 'Singaporeissues'. Real progress on the Singapore issues and agriculture was not evidentuntil the early hours of 1st August 2004 with a set of decision in the General Council (some times called the July

2004 package). In 2003, the Doha Development Agenda was dealt as evere blow after the Ministerial Conference in Cancun, Mexico, failed spectacularly to agree up on how to proceed with the round. Without the willingness of developed countries to commit to decreased agricultural protection and subsidies and of developing countries to engage in the Singapore issue (which include investment, competition policy, government procurement, and trade facilitation), the meeting failed to deliver any consensus.
The deadlock was broken in Geneva when the General Council agreed on the 'July package' in the early hours of August 1st 2004. The main achievements o the meeting include a road map for the future elimination of agriculture export subsidies, new commitments to discipline trade-distorting farm subsidies, and commitment to reduce agriculture tariffs to achieve substantial improvements in market access while allowing for flexibility in the treatment of sensitive products. However, countries such as the United States, Australia, New Zealand, Canada, Argentina, Chile, Guatemala and Uruguay are strongly opposed to any 'extension'. The 'extension' issue formed an integral part of the Doha Work Programme (2001). However, as a result of the wide divergence of views among WTO members, not much progress has been achieved in the negotiations and the same remains as an 'outstanding implementation issue[36]. The Doha Development Agenda discussions about food GIs raise important questions of policy regarding GIs and rural development, private (personal) versus communal rights, traditional versus new creations, the expansion of the protections offered for foods other than wines and spirits and the trade effects of GIs, among others. Other issues area more technical and result from the current TRIPS text *viz;* TRIPS provides less extensive protections for GIs for foods than for trademarks or for wines and spirits. For example, the Agreement permits on food labels the use of the word "style" or "type" in combination with a GI, solong as consumers are not misled and there is no unfair competition. In addition, the Agreement does not provide for an international registry, mandate the international recognition of food GIs, or require that they be enforced.

Conclusion:

In aforesaid discussions, it concluded that the Doha Development Agenda & debate, the EU and the US both acting in their own economic interest. For the EU, it is essential that GIs are adequately protected throughout the world because of the importance of these products to certain member states. GIs is a part of a broader policy objective with the Common Agricultural Policy, where focus recently has shifted from production of quantity to quality. However, in the US, where several multinationals are dependent on the brand names with 'European heritage', and where the legal system is very differently set-upthan from the EU, enforcing EU's requirements would be a heavy economic burden for certain industries, and therefore also a very unpopular political move.

Reference:

1. Study on the protection of geographical indications for products other than wines, spirits, agricultural products or food stuff. November 2009, Study commissioned by the Directorate General for Trade of the European Commission available at http://trade.ec/doclib/docs/2011/may/tradoc147926.pdf
2. Kal Raustiala and Stephen R.Munzer- The Global Struggle over Geographic Indications, The European Journal of International Law Vol.-18 No. 2, 2007.
3. Addor, F. and Grazioli, A. 2002. Geographical indication beyond wine and spirits. J. World Intellect. Property, 5(6).
4. Ahuja,V.K 2004. Protection of Geographical Indications-National and International Prospectives. 16J.I.L.J.
5. Anon. 2009. Geographical Indications its evolving contours SVKM's NMIMS University, Mumbai, India. at www.iips.ac.in
6. Das, K. 2006. Protection of India's Geographical Indications; An overview of Indian Legislation and the TRIPS scenario. J. International Law, 46(1):39-72.
7. Dattawadkar, N. and Mohan, H. 2012. The status of Geographical Indications in India: A short review. Intellectual Property Division, Stllarix Consultancy Pvt. Ltd. India.
8. Sujit Kumar Yadav, R.C. Chaudhary and Anjali Sahani, 2019. Geographical Indications and Registration for it Uttar Pradesh: Present and Future Potential. IJRAS, 5(1):48-57
9. WIPO, 2015. World Intellectual Property Organization Appellations of origin);: www.wipo.int/lisbon/en
10. AIACA, 2011. Geographical Indications of India : socio-economic and developmental issues, Policy Brief, New Delhi.
11. Justin Hughes, 'Champagne, Feta, and Bourbon: The Spirited Debate about Geographical Indications', 58 Hastings Law Journals. 2006, pg.299.
12. Ruth L. Okediji, "The International Intellectual Property Roots Of Geographical Indications' Chicago-Kent Law Review, 82(3):1329-1365.
13. http://www.wipo.int/treaties/en/ip/paris/trtdocs.wo020.html#p213.35515
14. WIPO Document No: WIPO/GEO/SFO/03/
15. Amy P Cotton, '123 years At the Negotiating Table and Still No Dessert? The Casein Support Of TRIPS

Geographical Indication Protections', Chicago-Kent Review-82 (3):1295-131
16. http://www.wipo.int/lisbon/en/general/
17. Key concepts on GIs at http://www.origin.gi.com/index.php?option=com.content&view=article&id=44&Itemid=42&lang=en
18. Anon, 1989. Negotiating Group in 1988 and 1989. Minutes of the Negotiating Group on Trade Related Aspects of Intellectual Property Rights, including Trade in counterfeit Goods, 'TRIPS Negotiating Group Minutes', MTN. GNG/NG11/ Pg.1.
19. TRIPS Negotiating Group Minutes, MTN.GNG/NG11/pg9 (OCT,13,1988).
20. Anon, 1987. General Agreement on Tariffsand Trade (GATT) frame work and in particular within the Uruguay Round, launched at Punta del este in 1986 as a measure to eliminate trade distortion caused by the excessive, insufficient, or absence of protection of IP. Under Chairmanship of Ambassador Lars E.E. Anell from Sweden in the March 25, 1987 meeting.
21. TRIPS Negotiating Group Minutes MTN.GNG/NG11
22. Adede, supranote 27, at 20.
23. TRIPS Negotiating Group Minutes , MTN.GNG/NG11/W/76 (July 23, 1990)
24. Adede, supranote 27, at 25.
25. Negotiating Group on trade related aspects of intellectual property rights including trade in counterfeit goods, communication from the European Community: Draft Agreement on Trade Related Aspects of Intellectual Property Rights, MTN,GNG/NG11/W/68 (Mar. 29, 1990).
26. Agreement Trade Related Intellectual Property Rights, April 15, 1994, Marrakesh Agreement Establishing the World Trade Organization Annex. IC, Legal instrument-Result of the Uruguay round 33.I.L. M1125, 1197.
27. Sudhir Ravindran and Ms. Arya Mathew, 2009. The Protection of Geographical Indication in India–Case Study on 'Darjeeling Tea' International Property Right Indes, 2009.pp 58-63.
28. Anon, 2008. Package: Briefing Notes-Intellectual property: Geographical indications and biodiversity available a thttp://www.wto.org/english/tratop.e/status.e/gi.e.htm
29. Anon, 2007. Tegan Brink, 'Perspectives On Geographical Indications: Prospects for the Development of the International Legal Framework', presentation at the International Symposium on Geographical Indications, Beijing,26-28 June 2007
athttp://www//wipo.int/edocs/mdocs/geoind/en/wipo.geo.bei.07/wipo.geo.bei.07.www.81778.pdf
30. WIPO Symposium 1999-2000
31. Examples of indirect GIs are such as the Eiffel Tower for Paris, that Matter horn for Switzerland or the Tower Bridge for London. See WIPO intellectual property Hand book: Policy, Law and Use.pp.121
32. Anon, 2006. Human factor entails special professional traditions of the producers established in the geographical area concerned. Also see WIPO, GI Evans & Blakeney' the Protection of geographical indications after Doha: Quo Vadis? *Journal of International Economic Law*, 9:575-614
33. Hughes, J, 2006. Champagne, Feta, and Bourbon-The Spirited Debate about Geographical Indications. *Hastings Law Journal,* 58:299.
34. The footnote to the text is written as 'Notwithstanding the first sentence of Article 42, Members may with respect to these obligation, instead provide for enforcement by administrative action'.
35. Doha Agenda at http://www.wto.org/english/thewto.e/whatis.e/tis.e/doha1.e.htm
36. Sidley Austin Brown & Woo, 'Updated Analysis Of The Doha Round Of Trade Negotiations: New Opportunities & Challenges For Global Business' at http://www.sidley.com/db30/cgi-bin/pubs/dohaupdate.pdf