



Role of Geographical Indications in Preserving Tradition and Promoting Prosperity

Dr. Rekha Chavan^{1*}

^{1*}Associate prof of law, Government law college, Holenarasipura. Hassan, Karnataka.

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ABSTRACT

Geographical indication, which is one of the intellectual property rights, is a sign used on goods that have a specific geographical origin and possess qualities, reputation or characteristics that are essentially attributable to that origin. GI is mainly used to assign good belonging to different products. The products include agricultural, handicraft, manufacturing and food stuffs from a particular region or place. GIs have been recognized as a vital tool for preserving cultural heritage and promoting sustainable livelihoods for rural communities. It leads to human development. The article highlights the benefits of GIs, including enhanced market value, preservation of traditional skills, and increased tourism. This article explores the impact of Geographical indications (GIs) on traditional industries in Karnataka, India.

Key words: Geographical Indications, traditional industries, cultural heritage, rural development, sustainable livelihoods, Karnataka.

Introduction

Geographical indications have been the means of promoting local culture and enhancing economic development since their recognition in the TRIPS agreement. In this paper an attempt is made to analyse the impact of geographical Indications on protection of indigenous products and the promotion of economic development. To substantiate the inter linkage between GI protection and cultural preservation and economic development, references are made to GI in Karnataka. Geographical indications indicates that particular goods originates from a country, region or locality and have some special characteristics, qualities or reputations which are attributable to its place of origin. These special characteristics, qualities or reputation may be due to various factors, example natural factors such as raw materials, soil, regional climate, temperature ,moisture etc; or the method of manufacture or preparations of certain products such as traditional production methods; or other human factors such as concentration of similar businesses in the same region, specialization in the production or preparation of certain products and the maintaining of certain quality standards.¹

The connection between the goods and place becomes so famous that any reference to the place reminds the goods being produced there and vice versa.

Geographical Indications, also referred to as appellations of origin, are “indications 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”.² Obtaining the status of protected Geographical Indication requires “a precise product specification which includes a definition and evidence of the link to the geographic area in which the product originates.”³ Geographical Indications (GIs) have emerged as a vital tool for promoting rural development and preserving cultural heritage in India. By recognizing the unique characteristics of local products and services, GIs provide a framework for rural communities to leverage their traditional knowledge and skills to access new markets and opportunities. Karnataka, a state in south western India, has been at the forefront of GI registration, with a

¹ Surekha Vasishta and Amar Raj Lall, 'Geographical Indications of Goods(Registration and Protection)Act,1999' In AK Koul and V K Ahuja(eds),The Law of Intellectual Property Rights:In prospects and Retrospects,2001,p.248.

² World Trade Organisation www.wto.org.

³ The Journal 2004, “Move over the River Is a Tide of Change for SS” May 20, ed 1 P.S. New Castle Chronicle and Journal Ltd., New Castle, UK.

diverse range of products and services recognized, from Mysore Silk and Dharwad Pedha to Coorg Coffee and Udupi Mattu Gulla Brinjal. This paper examines the impact of GIs on rural development in Karnataka, exploring the ways in which GIs have influenced rural livelihoods, entrepreneurship, and cultural preservation.

Functions of Geographical Indications

Geographical indications perform a variety of economic and other functions, which may depend on how producers use geographical indications and consumers view them.⁴

- i) Origin function: Designations operate as indicators of origin from which the products come or are in some other way connected.
- ii) Quality Functions: Designations symbolise qualities which certain products have or which consumers associate them with and guarantee that they measure up to expectation.
- iii) Investment or advertising function; Designations are ciphers around which investment in the promotion of a product is built and that investment is a value which deserves protection as such, even when there is no abuse arising from misrepresentations either about origin or quality.
- iv) Culture protecting function: Designations protect culture by preserving traditional productions methods, habits of consumption and cultural identity.⁵

The Functions underlie the nature and scope of geographical indication protection.

Geographical indications as a producer device

It is in the interest of a producer to try in some way to differentiate his products from those of others. This power of branding has traditionally evaded producers of highly commoditised products such as agricultural products.⁶ Geographical indications may provide producers with a new or an extra means to identify their products as satisfactory and thereby attract further purchases from the consuming public.⁷ This may be especially important to small-scale producers who may not be able to make the substantial investments which are needed to promote an individual brand.⁸

Geographical indications allow producers to create an attractive product image, possibly even an image of exoticness, quality or prestige, which the consumer associates with the product. The image that is formed has a sales-promoting effect. This is what is traditionally meant by the advertising or investment function. The sales promoting effect of given geographical indication is usually connected to the quality of the product but geographic indications can also generate their utility through evocative and aesthetic uses. In such cases, the geographic indication itself becomes a desired characteristic of a good or services, regardless of quality. Thus, a geographical indication can gain 'a selling-power above that of the underlying goodwill'.⁹ In other words, with the help of geographical indications producers may obtain premium prices for products that would otherwise be regarded as a commodity product.

Others may try to imitate a geographical indication and use the goodwill the producers have built up. By using the geographical indications on a similar or different product, third parties can transfer the sales-promoting effect to their products through the inevitable association in the consumers mind. This may be seen as unfair competition. Producers can use geographical indications to shore up the prices of their products only if the advertising and investment function is properly protected. Geographical indications are valuable to producers as they allow producers to 'unlock value by capitalising on consumer desire for diversity, typical, quality products.

Protecting Local Culture and Traditions

Geographical indications seem apt for the preservation of local traditions, national culture and cultural diversity. This is because geographical indications do not reward innovation but rather producer adherence to the traditional methods used in the region of production. Geographical indications enhance the commercial

⁴ These functions are similar to those traditionally distinguished for trademarks. See e.g. Jeremy Philips, *Trademark Law: A Practical Anatomy* (2003); and Onno Brouwer, *community Protection of Geographical Indications and Specific Characters as a means to enhance Foodstuff Quality* (1991) 28 ML Rev. 615, 630.

⁵ Tomer Broude, "Taking Trade and Culture" Seriously: Geographical Indications and Cultural Protection in WTO Law (2005) 649 Express Opreprin Series, 16; MEMO/03/160 why do Geographical indications matter to us, 30 July 2003.

⁶ Norma Dawson, 'Famous and Well-known Trademarks: usurping a corner of the Giant's Robe' (1998) I.P.Q. 350, 378.

⁷ Chiquita and Dole are one of the few who have been successful in promoting highly commoditised products, namely bananas and pineapple.

⁸ Jermy Philips, *Trademark Law: A Practical Anatomy* (2003) 28 ML Rev. 26.

⁹ Sanjeev Agarwal and Michael J. Barone,.

value of traditional artisan products and may even rescue 'national treasures' from certain extinction.¹⁰ According to Broude, geographical indications products may be 'cultural' in three ways through (1) the cultural of its production, (2) the culture of its consumption or (3) as a part of the culture identity. A product does not receive geographical indication protection only by virtue of its geographical origin but because it complies with a given set of criteria pertaining to content and production methods. In many cases, these practices are rooted in social and historic circumstances and are not necessary for the characteristics and qualities of the finished product. If the practices were to become extinct, it would also result in the eradication of the associated culture of production. Thus, geographical indication rules can also be seen to preserve a certain historical and cultural purity of production. However, for product qualities and characteristics to survive and be appreciated, they need a culture of consumption. This culture of consumption is maintained by providing consumers with accurate information on the geographical origin of products.¹¹ Geographical indication products may also be cultural symbols part of cultural identity.¹² They can symbolise or even personify a country or a region. Thus, geographical indications can be seen as guardians of cultural identity and a defence against homogeneity brought about by globalisation.

Geographical Indications in Karnataka

Karnataka is a state in the southern part of India, bordered by the Arabian Sea coastline to the west, Goa to the northwest, Maharashtra to the north, Andhra Pradesh and Telangana to the east, Tamil Nadu to the southeast and Kerala to the southwest. On 1st November 1956, all the Kannada language-speaking regions were merged to form the State of Karnataka, with the passage of the States Reorganization Act. Formerly called as the State of Mysore, it was renamed as Karnataka in 1973. It is the sixth-largest state in India. Bengaluru (earlier Bangalore) is the capital city of Karnataka and is regarded as the silicon valley of the country. Karnataka is a treasure trove of traditional industries and cultural heritage. From the majestic Mysore Palace to the vibrant folk art of Yakshagana, the state is home to a rich legacy of craftsmanship, artistry, and entrepreneurship. To preserve and promote these traditional treasures, the concept of Geographical Indications (GIs) has emerged as a vital tool. Karnataka has been at the forefront of GI registration, with several products recognized for their unique characteristics and cultural significance. Being the fourth most popular destination for tourism in India, Karnataka has secured 44 Geographical Indication (GI) Tags on handicrafts, agricultural, manufactured and food products.

The latest to get the GI tag from Karnataka is the Kari Ishad Mango,' (Application no 843). The lead taken by Karnataka State in getting GIs for its products augments the efforts made by both the government and voluntary organizations to protect and promote the state's cultural and biological diversity. The GIs will help the state maintain exclusivity about its products.

The huge number of Karnataka GI tags is clearly helping the State maintain its uniqueness. Not only does it help in preserving the heritage, but also promotes the culture and flavour of individual cities and towns while emphasizing on biodiversity.

The impact of Geographical Indications (GIs) on rural development in Karnataka is significant:

1. Income generation: GIs have created new income streams for rural communities, enhancing their livelihoods and reducing poverty. GIs have generated economic benefits for local communities, enhancing their livelihoods and encouraging entrepreneurship. The GI status has enabled Dharwad Peda makers to expand their market reach and increase their income. Increased sales, improved quality, and premium prices have generated more income for rural producers.
2. Employment opportunities: GI-protected products have generated employment opportunities in rural areas, particularly in traditional crafts and agriculture.
3. Rural entrepreneurship: GIs have encouraged rural entrepreneurship, enabling local communities to develop and market their unique products. The GI status has helped Channapatna Toy makers to improve their livelihoods and promote traditional toy-making techniques.
4. Preservation of traditional knowledge: GIs have helped preserve traditional knowledge and skills, ensuring their continuation and transmission to future generations. GIs have helped preserve traditional crafts like Mysore Silk, Ilkal Saree, and Molakalmuru Saree, ensuring their continuation and promotion. The GI status has helped Mysore Silk weavers to improve their livelihoods and preserve traditional weaving techniques. GI status has helped preserve traditional skills, recipes, and cultural practices.
5. Community empowerment: GIs have empowered rural communities, enabling them to take control of their cultural heritage and economic development. GIs have safeguarded local industries like Dharwad Pedha, Ilkal Saree and Udipi Mattu Gulla Brinjal, shielding them from unauthorized use and misrepresentation.

¹⁰ Andrew Griffiths, The Impact of the Global Appreciation Approach on the Boundaries of Trademark Protection (2002) I.P.Q. 326 see also David Aakes, Building Strong Brands (1996) 7, who identifies goodwill consisting of the following four elements: awareness, loyalty, perceived quality and positive associations.

¹¹ Nany Harmon Jenkins, 'Food court' the European Union has judged hundreds of traditional foods to be national treasures. Here is why cooks are celebrating', food and wine, August 1999.

¹² Broude, *supra* n.5, at 10-12.

6. Infrastructure development: GI initiatives have led to infrastructure development in rural areas, including training centers, workshops, and market facilities. The Karnataka government has actively supported GI initiatives, providing infrastructure and resources for promotion and protection.
7. Market access: GIs have facilitated market access for rural products, connecting them to national and international markets. The GI status has helped Mysore Agarbathi manufacturers to improve their production quality and expand their market reach.
8. Premium prices: GI-protected products often command premium prices, increasing the earnings of rural producers and artisans. The GI status has helped Coorg Coffee farmers to improve their coffee quality and fetch better prices.
9. Cultural preservation: GIs have helped preserve rural cultural heritage, including traditional practices, customs, and language.
10. Rural-urban connectivity: GIs have fostered rural-urban connectivity, promoting collaboration and exchange between rural and urban communities. By promoting rural development, GIs have contributed to the overall growth and prosperity of Karnataka, demonstrating the potential of intellectual property rights to drive sustainable development.

Challenges and Concerns

Despite Karnataka's rich cultural heritage and traditional industries, the state has witnessed a decline in GI registrations post COVID-19, lagging behind other states. This trend raises concerns about the potential loss of traditional knowledge and practices, as well as the economic opportunities that GI provides. To revitalize Karnataka's GI ecosystem, it is essential to address the challenges faced by artisans, farmers, and entrepreneurs, such as

1. Lack of awareness about the GI registration process, benefits, and requirements.
2. Insufficient financial resources, infrastructure, and support systems for GI promotion and registration.
3. Inadequate institutional framework, infrastructure and resources for GI promotion, registration, and enforcement.
4. Shifts in consumer preferences, market trends, and global trade agreements, requiring traditional industries to adapt and innovate.
5. Limited understanding and protection of intellectual property rights, making it challenging to safeguard traditional knowledge and practices.

These challenges and concerns highlight the need for concerted efforts to address the decline in GI registrations, support traditional industries, and promote Karnataka's cultural heritage and economic growth.

Conclusion

In conclusion, the decline in Geographical indications registrations in Karnataka post-COVID-19 is a pressing concern that warrants immediate attention. The challenges and concerns highlighted, including lack of awareness, complex registration processes, resource constraints, and changing market dynamics, have cumulatively contributed to this trend. To revitalize Karnataka's GI ecosystem and preserve its cultural heritage, it is essential to address these challenges through;

Enhanced awareness and capacity building initiatives

Streamlined registration processes and institutional support

Increased resource allocation and funding

Innovative marketing and promotion strategies.

By adopting a multi-faceted approach, Karnataka can unlock the full potential of its traditional industries, foster economic growth and safeguard its cultural heritage for future generations. The state's rich cultural legacy and traditional industries are too valuable to be lost, it is time for collective action to ensure their preservation and prosperity.