

## ***Geographical Indication: A Potential Tool for brand promotion and Recognition of Indian goods in today's globalized market***

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### ***ABSTRACT***

*The world recently has seen itself transforming to a global village. This globalization has resulted in coming together and interaction of various countries at various fronts. The effect of globalization is evident in every field. The economy has seen an unprecedented growth and there is a cut throat competition by and among the countries to acquire the biggest chunk of share in the market. The global marketplace finds itself engulfed in a fiercely competitive environment where competitors aim to stand out and establish a unique identity for their products. With the increasing competitiveness of international trade and the proliferation of counterfeit products, safeguarding the uniqueness and quality of traditional Indian products becomes crucial. In today's globalized market, establishing a strong brand presence is vital for the success and competitiveness of any product. One effective way to accomplish this is through the use of Geographical Indication (GI). Geographical Indication (GI) is an intellectual property right that protects products originating from specific regions. GI not only offers legal protection for a product's origin but also contributes to the promotion and marketing of brands in the global market. Geographical Indication is a crucial principle that associates a product to its geographical origin. This principle functions to label certain product characteristics like reputation, quality, and distinctiveness with the region in which they were first developed. By linking a product to its origin through Geographical Indication, it not only helps protect the product's authenticity but also promotes regional economic development. A product which can be distinguished from its peers by virtue of its origin and quality finds itself easily accepted by the market thereby making it more profitable, further its presence in the market is also assured for a much longer period of time. This paper aims to analyse the potential of GIs as a tool for brand promotion and recognition of Indian goods in today's globalized market. It will explore the current legal framework, economic implications, and the challenges and opportunities associated with GIs in India.*

*Key words: - Globalization, Geographical Indication, Brand, Reputation, Profitable.*

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## 1. INTRODUCTION

The world economy has seen fast globalization of trade, which has heightened international trade competitiveness among states. Effective branding has become increasingly important in this dynamic market for differentiating items and encouraging customer loyalty. But for nations like India, depending only on conventional branding techniques might not be enough to effectively convey the distinctive traits of their products and services. India, which has a diversified geographic terrain and a rich cultural legacy, needs to showcase its wide range of offerings in a more creative way. The idea of geographic indication (GI), which provides legal protection and recognition to items that innately possess qualities connected to their geographical origin, represents one viable approach. Utilizing the GI Tags, nations like India can capitalize on the distinctive appeal of their regional products, showcasing their unparalleled craftsmanship, quality, and tradition in a way that sets them apart on the global stage and ultimately drives long-term success in an increasingly competitive marketplace.

The basic idea behind the introduction of Geographical indication was to save the interest of manufactures who most of the times were indigenous communities using their age old knowledge passed by their ancestors to produce basic products like wine, paintings, pottery, etc. The concept recognizes that certain products derive their distinctiveness, reputation, and market value from the specific geographical region in which they are produced. The western world was quick to recognize the benefits of GI and were the first one to reap the socio-economic benefits, later many other countries started recognizing it and have started to adopt the required legal framework to accommodate GI to reap its rewards which included the safeguarding the ownership of unique and distinctive local products.

India is one of the oldest civilizations of the world is inhabited by population whose history can be traced thousands of years back. These indigenous tribes have been bestowed with a vast amount of indigenous knowledge passed to them generation after generation. This indigenous knowledge when put into use makes the product unique and distinct in themselves. There are innumerable products which originate in India, having the potential to get a unique identity and distinctiveness in the global market owing to their quality and usefulness. Our indigenous brands have the capability to surprise the global market if branded and promoted to the fullest potential. Few instances where the global market duly rewarded the indigenous products of India can be summed up in the case of Darjeeling Tea, Banaras Brocades and sarees, Kashmir saffron, Makrana marble, etc. We are fortunate enough to have plenty of indigenous brands possessing good quality backed with a rich cultural history and heritage. To compete in the

global market the quality of these must be enhanced, further care and precision must be taken to maintain quality of these products. To adjust with the global demands of formal identification, indications, and regulations dedicated and innovative ways have to be adopted. GI potentially has such an innovative breakthrough to popularize our products and brands to the most possible extent in the global market.

## 2. LITERATURE REVIEW

**(Downes, 1999)**<sup>3</sup>, explores the use of legal tools to support local and indigenous communities in conserving and sustainably using their biological diversity and traditional knowledge. It particularly focuses on intellectual property tools like trademarks and geographical indications as incentives for marketing products derived from biological resources.

**(Koul & Ahuja, 2001)**<sup>4</sup>, The book offers a comprehensive analysis of the historical progression of intellectual property rights (IPR) in both India and the international arena. The text examines the influence of international treaties and agreements on intellectual property rights (IPR) regulations in India. The author examine the process of trademark registration, the safeguarding of trademarks, and the legal options for addressing trademark infringement. The protection of Geographical Indications (GIs) is thoroughly examined, with specific relevance to items such as Basmati rice and Scotch whiskey. The book analyzes several statutes, case laws, and judicial interpretations that influence the intellectual property rights (IPR) framework in India. The content encompasses deliberations on pivotal legal decisions and their ramifications for intellectual property rights (IPR) safeguarding. The authors examine the impact of government policies on the promotion and safeguarding of the intellectual property rights (IPR). In addition, they address the difficulties in implementing and the steps required to enhance intellectual property rights (IPR) safeguarding. The book explores current concerns such as the management of digital rights, the granting of patents for biotechnology, and the influence of globalization on intellectual property rights. It provides recommendations for the future development of intellectual property rights (IPR) policy and legislation in India.

**(Agarwal & Barone, 2005)**<sup>5</sup>, The authors have forwarded that Certain items possess uniqueness due to their exclusive production in certain geographical regions. These products gain reputation due to their distinct qualitative characteristics, such as Champagne, Scotch, or

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<sup>3</sup> Downes, D. R. (1999). *Innovative Mechanisms for Sharing Benefits of Biodiversity and Related Knowledge*.

<sup>4</sup> Koul, A. K., & Ahuja, V. K. (2001). *The Law of Intellectual Property Rights*.

<sup>5</sup> Agarwal, S., & Barone, M. J. (2005). *Emerging Issues for Geographical Indication Branding Strategies*.

Basmati rice. The crucial factor about these items is the connection between their quality traits and the geographical features of the place where they are produced or made.

**(Wadehra, 2010),<sup>6</sup>** the author has thoroughly covered nearly every aspect of intellectual property law, providing detailed explanations and relevant court rulings. Further the author has examined the difficulties and deadlocks in effective implementation of the IPR laws, identifying the needs and importance of a powerful IPR regime for effective branding and promotion of particularly indigenous goods.

**(Higgins, 2018),<sup>7</sup>** The author examines the efforts made in the early 19th century to establish legal safeguards for regional trademarks on both national and international levels. He demonstrates how these endeavours reached their highest point with the establishment of legal procedures that safeguard the integrity of renowned brands, such as 'Champagne', 'Sheffield', 'Swiss made' watches, and 'Made in the USA'. Higgins examines the prominent topics related to these signals, connecting them to the historical context of worldwide marketing and the pertinent regulations concerning intellectual property. The author holds that The indications of regional origin for commodities and manufactures have gained significance as a valuable aspect of branding since the onset of globalization in the late 19th century. Furthermore, the author raises doubts about the efficacy of the European Union's strategy aimed at promoting 'regional' and 'local' foods. He also questions the reasons behind the EU's engagement in conflicts with North America, particularly the United States, due to these programs. He expands the study by including an analysis of current concerns that impact globalization, intellectual property, underdeveloped nations, and supply networks.

### 3. BRAND AND ITS MEANING

Typically, a brand is thought of as a name, logo, color, or even a sound. This are partially true in that these do constitute brand elements, but they only scrape the surface. A brand is a complex and multifaceted entity. Generally, the term 'brand' encompasses a product, company, or people and their manner of presenting themselves and their offerings to the public. A brand encompasses more than mere visual elements such as photographs, logos, or taglines. It

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<sup>6</sup> Wadehra, B. L. (2010). *Law Relating to Intellectual Property*.

<sup>7</sup> Higgins, D. M. (2018). *Brands, geographic origin, and the global economy a history from the nineteenth century to the present*. Cambridge, United Kingdom New York, Ny Port Melbourne, Australia New Delhi, India Singapore Cambridge University Press.

originates from a set of guiding principles and should provide customers with a distinct experience or trigger certain emotions when they interact with it. An intangible notion or concept, when executed well, gives you a competitive advantage. However, branding is still a concept that is seldom understood, largely due to the absence of a clear explanation of what a brand is and why it is crucial to understand the distinction between a brand and its components. The American Marketing Association (2013) defines brand as a “*name, term, sign, symbol, or design or a combination of them intended to identify goods and services of one seller or group of sellers and to differentiate them from those of other sellers*”. The essential feature of branding is not only making a niche for the product in the market and influencing the target market to select you over your rivals but it is also about convincing potential customers that you are the only one who can meet their unique needs. According to Kotler, a brand is a – “*Name, term, sign symbol (or a combination of these) that identifies the maker or seller of the product.*” Strong brand names typically give a product or service coloring and resonance.

The modern-day fiercely competitive market and its orientation make brands and branding inevitable for business. In today's world, brands and branding geographical origin is critical for trade as the spatial and multifaceted nature of brands cross financial, social, social, legitimate, and political universes. Brands and their geographical origin touch various dimensions of market. These are economic, social, cultural, legal and political at the same time.

#### **4. UNDERSTANDING INTELLECTUAL PROPERTY RIGHTS AND GEOGRAPHICAL INDICATIONS**

The term "intellectual property" refers to works produced by human intellect and imagination. The Authors or the creators can be given exclusive rights in addition to the right to prevent others from using one's inventions, literary works, designs, or other creations. If someone wishes to use these rights, the owner of these rights can the right to bargain for a fee in exchange. This right is often termed as “intellectual copy rights”. These rights not only ensure that the owner of these rights are duly rewarded but also ensures that the product maintains its uniqueness and quality amidst the increasing competitiveness of international trade and proliferation of counterfeit products. The modern day IPR regime can be traced back to The Paris Convention for the Protection of Industrial Property (1883), which laid the foundation stone for international cooperation on IPR. The scope was further widened by the Berne Convention for the Protection of Literary and Artistic Works (1886), but the real breakthrough came with the advent of The Agreement on Trade-Related Aspects of Intellectual Property

Rights (TRIPS) (1994). TRIPS, which came into force in 1995, is a part of the World Trade Organization (WTO) agreements. It sets minimum standards for IPR protection and enforcement, aiming to harmonize IPR laws globally.

Geographical Indications are a specialized form of IPR, focusing specifically on the geographical origin of products. While traditional IPRs such as patents, copyrights, and trademarks protect individual creations or inventions, GI safeguards the collective rights and cultural heritage of communities associated with the production of specific goods. Both IPR and GI systems contribute to economic development, consumer protection, and the preservation of cultural diversity and traditional knowledge. Intellectual Property Rights and Geographical Indications are essential components of the global intellectual property framework. By providing protection for individual innovations and cultural heritage tied to specific regions, the regime fosters innovation, creativity, and sustainable development while also ensuring the recognition and promotion of unique products and traditions. The majority of GI throughout the world are applied for agricultural products, food stuffs, wine and allied products etc, but it must be mentioned that the scope of GI is not limited to only aforementioned products rather a variety of other products also find their niche in the ambit of GI.

## 5. LEGAL FRAMEWORK FOR GIS IN INDIA

The Geographical Indications of Goods (Registration and Protection) Act, 1999 is the main legislation that regulates the legal framework for Geographical Indication (GI) protection in India. The Act was implemented to adhere to India's commitments under the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). Before the enforcement of the act, the GI regime was protected in a manner which was somewhat limited and less structured.

- i. **Common Law Remedies:** - Before the GI Act, protection of GIs in India largely relied on common law principles, particularly under the doctrines of passing off and unfair competition. These legal remedies were used to protect the goodwill and reputation associated with a geographical name.
- **Passing Off:** The common law tort of passing off was the main legal option to safeguard geographical indications (GIs). If a party utilized a geographic identification in a deceptive manner, implying that their goods originated from that area, the original manufacturers might initiate legal action for passing off. The case would rely on establishing the presence of misrepresentation, the likelihood of public deception, and the subsequent harm caused to the reputation of the original creators.

- **Unfair Competition:** Another means of safeguarding Geographical Indications (GIs) was by using the more comprehensive concept of unfair competition, which sought to prohibit commercial actions that were deceitful or deceptive. This could involve the fraudulent exploitation of a geographic designation to mislead buyers into thinking that a product originated from a famous area, so causing damage to the reputation of legitimate manufacturers.
- ii. **Trademark Law:-** Trademark law, primarily designed to safeguard brand names and logos, was occasionally employed to safeguard geographical indications (GIs). Producers or groups have the option to officially register a geographical name as a collective mark or certification mark according to the Trade Marks Act of 1958.
- **Collective Marks:** A collective mark could be used by members of a group or association to identify the origin of their goods from a specific geographical region. This approach allowed for some degree of protection, though it was not specifically tailored to GIs.
  - **Certification Marks:** Certification marks indicated that a product met certain standards, including geographical origin. These marks certify that a product is made in a particular region, thus offering some protection similar to that provided by GIs.

In 1994, India, being one of the original members of the World Trade Organisation (WTO), formally agreed to the Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement. This legislation took effect on January 1, 1995. In accordance with this, India became an active participant in the sui generis law, which was implemented to establish a system for the development and safeguarding of Geographical Indications as a distinct form of Intellectual Property. This led to the introduction of Geographical Indications of Goods (Registration and Protection) Act, 1999 (the GI Act) which was further strengthened and supplemented by the Geographical Indications (Registration and Protection) Rules, 2002 (the GI Rules).

The Geographical Indications of Goods (Registration and Protection) Act, 1999, is a landmark legislation in India designed to provide legal protection to the goods that have a specific geographical origin and possess qualities, reputation, or characteristics that are essentially attributable to that origin.

## 6. BRANDING STRATEGIES FOR INDIGENOUS PRODUCERS: THE ROLE OF GEOGRAPHICAL INDICATIONS

In the words of David Ogilvy (considered as the father of advertisement) “*Brand remains with us when our factory is burned*”. Brands play an enormous influence on the marketing of products. They contribute to increasing customer consciousness and acceptance, influencing purchase decisions, and promoting brand loyalty. An effective brand strategy is essential for defining a company's image and reputation, which in turn impacts how consumers perceive and behave towards the brand. Therefore, implementing a successful brand strategy has the potential to enhance profitability and establish market supremacy. It includes several components, such as logo design, brand name, and product quality, that contribute to the establishment of brand identity and image.<sup>8</sup>

- i. **Brand Recognition:** - A strong brand boosts product exposure in a congested market due to its easy recognition. A Strong branding helps products stand out among rivals by helping consumers immediately recognise them.
- ii. **Customer Loyalty:** - Creating a strong brand may increase client loyalty and lead to repeat purchases. Even when rivals provide identical items, brands that connect emotionally with consumers will retain customers.
- iii. **Sense of Quality:-** Brands are linked with quality, which helps justify high prices. Consumers trust branded items more than generic ones, presuming they're better.
- iv. **Differentiation and Unique Identity:** A strong brand lets things stand out in the market. Branding conveys a product's distinctive value proposition, making it more enticing to target buyers.
- v. **Market Efficiency & Cost-Effectiveness:** Leading firms may minimise marketing expenditures by introducing items with minimal effort. Strong brands may create word-of-mouth marketing as delighted consumers promote the product.
- vi. **Expanding Market:-** Strong brands make it simpler to launch new items or penetrate new markets since their reputation precedes them. Branding encourages buyers to try additional goods from the same brand.
- vii. **Premium Pricing:-** Well-branded items can command higher pricing owing to perceived additional value, leading to better margins.

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<sup>8</sup> <https://www.marketingjournal.net/article/view/147/6-1-3>



- viii. **Customer involvement and Interaction:** Robust businesses may establish channels for customer involvement via social media, events, and campaigns, augmenting customer connections. Brands may establish a continuous feedback loop in which actively involved customers offer vital insights that can be utilised to enhance goods and marketing tactics.
- ix. **Emergency Response:-** A robust brand possesses the ability to endure adverse events or crises, since the existing confidence of customers may help alleviate harm. Branding facilitates the maintenance of favourable consumer views, even during difficult periods, hence assisting in a faster recovery.
- x. **Global Reach & International Appeal:** Strong brands have the power to transcend local markets and appeal to global audiences. Effective branding can be tailored to different cultural contexts, helping products succeed in diverse markets.

Geographical indicators are frequently employed to distinguish items from their counterparts in the market due to their traditional and local attributes. Merely introducing products into marketplaces with appealing packaging or unique branding is inadequate for manufacturers of the goods. Definitions are necessary in order to demonstrate the calibre of a product. The optimal approach for defining these concepts is through the use of geographical indication. Geographical indications serve as a means of distinguishing a product by emphasising its distinct characteristics and place of origin. This may promote working together in governance to provide quality control, facilitate commerce, enhance marketing strategies, and promote innovation using local resources and regional biodiversity.

The usefulness of geographical indications as differentiation strategies is heavily dependent on consumer awareness and understanding. Nevertheless, there is a requirement for consumer education and dissemination of information to enhance awareness and comprehension of geographical indicators. The Geographical Indications Act safeguards producers and consumers by guaranteeing the genuineness and source of products. Geographical variables have a differentiating influence on the market by influencing the degree of responses and replacement effects. This results in higher quality products being less sensitive to price changes and less likely to be substituted. Geographical Indications attract higher prices through various means. GIs serve to establish the general perception of producers, thereby minimising the imbalance of information between producers and Consumers, resulting in increased pricing. The quality specifications linked to Geographical Indications (GIs) results in increased prices, as the collective agreement on higher-quality standards necessitates uniformity throughout the

association. Geographical indications (GIs) serve as a means of distinguishing agricultural goods and indicating their quality, which can result in higher prices on the market. Geographical indications (GIs) function as legal protections for intellectual property, verifying the origin and attributes of a product. They guarantee that the product is made in a certain geographic region and adheres to defined quality criteria. The certification of Geographical Indications (GIs) can enhance the technical intricacy involved in exporting agricultural goods and enhance their quality and reputation.

## 7. RECENT EXPORTS OF GI-TAGGED PRODUCTS

As per the data of Ministry of Commerce & India a total of 643 products have been awarded Geographical Indications Tag in India.<sup>9</sup> India exports its GI Tagged products to many countries like US, China, Bangladesh, etc. As per data as provided by IBEF (India Brand Equity Foundation), which is a Trust established by the Department of Commerce, Ministry of Commerce and Industry, The Government of India to promote and create international awareness of Made in India label in markets overseas and to facilitate dissemination of knowledge of Indian products and services following products have seen a remarkable growth in export and have increased India's share in the international market. The Following data has been compiled by IBEF.<sup>10</sup>

- i. **Mangoes:-** In May 2021, India exported a shipment of 2.5 metric tonnes (MT) of GI Tag Banganapalli and the other variety of Survarnarekha mangoes from the Krishna and Chittoor districts of Andhra Pradesh to South Korea. The government further disclosed that there is a greater potential for mango exports.
- ii. In June 2021, India successfully sold the 'Jardalu' mangoes, which have a Geographical Indication (GI) tag, from Bhagalpur, Bihar to the United Kingdom. In FY20, mangoes valued at US\$ 57 million were exported to prominent markets like the UAE, UK, US, Oman, and Qatar.
- iii. In July 2021, Gujarat sent the initial consignment of Bhalia wheat, which had obtained GI certification, to Kenya and Sri Lanka. During the 2020-21 fiscal year, India had a substantial increase of 808% in wheat exports, reaching a value of Rs. 4,034 crore (US\$ 542.54 million), compared to Rs. 444 crore (US\$ 59.71 million) in the previous fiscal year.

<sup>9</sup> [REGISTRATION DETAILS OF G \(ipindia.gov.in\)](https://www.ipindia.gov.in)

<sup>10</sup> <https://www.ibef.org/download/GI-certified-Products%28final%29.pdf>

- iv. In June 2021, a shipment of 22 metric tonnes of bananas with a Geographical Indication (GI) label, originating from Tandalwadi town in the Jalgaon district of Maharashtra, was sent to Dubai, United Arab Emirates (UAE). India's banana exports have experienced substantial growth following the implementation of agricultural methods driven by GI certification. In FY20, exports experienced growth in both volume (1.95 lakh tonnes) and value (Rs. 660 crore or US\$ 88.60 million), compared to 1.34 lakh tonnes priced at Rs. 413 crore (US\$ 55.44 million) in FY19. In July FY21, the nation exported 1.91 lakh tonnes of bananas valued at Rs. 619 crore (US\$ 83.10 million).
- v. In July 2021, Tamil Nadu made its first shipment of GI-tagged Madurai Jasmine and other traditional flowers, including Button Rose, Lily, Chamanthi, and Marigold, to the United States and the United Arab Emirates. The agreement resulted in the creation of employment opportunities for 130 women and 30 highly trained individuals.
- vi. The regular banana is typically priced at around Rs. 50 (US\$ 0.67) per kilogramme. However, the Chengalikodan Nendran banana from Kerala is marketed for Rs. 75 (US\$ 1.01) after being granted the Geographical Indication (GI) tag.

## CONCLUSION

The future of geographical indications (GIs) as a crucial element of branding is increasingly optimistic. As an ever-growing number of countries and regions recognize and implement GIs as effective tools for both branding and safeguarding indigenous products, the likelihood of heightened recognition and intrinsic value associated with geographical indications is on the rise. This trend is expected to foster greater appreciation for traditional knowledge, cultural heritage, and local natural resources, which play a significant role in defining the uniqueness of these products. Moreover, the establishment of geographical indications has the potential to stimulate economic development, particularly within rural communities, by offering local producers the opportunity to cultivate their own brands and engage in trade that reflects their distinct market identities.

Geographical indications have already demonstrated their effectiveness as valuable branding strategies for indigenous producers by significantly enhancing the livelihoods of farmers and contributing positively to the broader agricultural sector. By affording a distinctive identity and ensuring recognition for indigenous products, GIs serve multiple purposes. They guard against unfair competition and the risk of genericide, which can dilute the unique characteristics of the products they encompass. Furthermore, they encourage sustainable farming practices, aiding in the preservation of cultural heritage and traditional knowledge that have been passed down

through generations. The economic development benefits that stem from adopting geographical indications are particularly pronounced in rural areas, where such initiatives can empower farmers and highlight the unique qualities of agricultural products intrinsic to developing countries.

The implementation of geographical indications as a branding strategy offers numerous advantages, including improved product identification, the establishment of stringent production standards, and the protection of an established reputation. These elements together guarantee quality and can lead to increased production levels while enhancing the reputation of the region associated with the products. Beyond economic benefits, geographical indications also contribute to the growth of agrotourism, providing a boost not only to local economies, but also to the preservation of cultural heritage. Additionally, GIs play a vital role in international trade negotiations by fostering fair trade practices and ensuring the representation of indigenous producers' interests. The overall impact of adopting geographical indications transcends mere branding; it encompasses a holistic approach to safeguarding cultural identity, promoting sustainable agricultural practices, and driving economic growth within rural communities.

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