Page: 48-68 *URL: www.lijdlr.com*

LAWFOYER INTERNATIONAL JOURNAL OF DOCTRINAL LEGAL RESEARCH

ISSN: 2583-7753

LawFoyer International Journal of Doctrinal Legal Research

[ISSN: 2583-7753]

Volume 4 | Issue 4

2026

DOI: https://doi.org/10.70183/lijdlr.2026.v04.379

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EMBROIDERS OF SELF-ASSURANCE: THE ENIGMAS OF GEOGRAPHICAL INDICATIONS

Preyansi Desai[1]

I. ABSTRACT

Geographical indications (GIs) are a distinct category of intellectual property that identify goods as originating in a particular territory where a given quality, reputation or other characteristic of the goods is essentially attributable to that origin. Although GIs are widely promoted as instruments of consumer assurance and rural development, the extent to which the law secures these outcomes in India remains uncertain. This paper examines whether the legal framework governing GIs adequately protect consumers against the misleading use of geographical names and enables producers to realise the economic value of origin-linked goods. Adopting a doctrinal method, it analyses Articles 22 to 24 of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), the Geographical Indications of Goods (Registration and Protection) Act 1999 and the Rules of 2002 as amended in 2025, and selected Indian and comparative judicial decisions, with reference to the Geneva Act of the Lisbon Agreement and Regulation (EU) 2024/1143. The paper finds, first, that India's sui generis regime meets, and in some respects exceeds, the TRIPS minimum standards, but that its benefits depend on registration, since section 20 of the Act bars infringement actions for unregistered GIs. Secondly, judicial decisions such as Tea Board of India v ITC Ltd confine statutory protection to goods, leaving misuse in relation to services to the law of passing off. Thirdly, uneven consumer awareness, counterfeiting and weak post-registration enforcement limit the consumer and economic benefits of the more than 800 GIs now registered in India. The paper recommends post-registration quality control, targeted awareness measures, the evidentiary use of traceability records and the alignment of India's international commitments with domestic enforcement capacity. It concludes that registration alone cannot deliver the assurance that GIs promise unless it is matched by effective enforcement.

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II. KEYWORDS

Geographical Indications; TRIPS Agreement; GI Act 1999; Consumer Protection; Rural Development.

III. INTRODUCTION AND RESEARCH PROBLEM

A geographical indication (GI) is a form of intellectual property that identifies goods as originating in a particular territory, region or locality where a given quality, reputation or other characteristic of the goods is essentially attributable to their geographical origin.[2] A GI therefore informs the consumer that a product comes from a specific place and possesses qualities linked to that place. By preventing producers outside the designated area from using the name, GI protection ensures that only goods genuinely produced in that area may benefit from the reputation that its producers have built over time.

For example, the name 'Champagne' may be used only for sparkling wine produced in the Champagne region of France in accordance with the applicable product specification.[3] Such protection preserves the distinctive qualities and market value of the product, assures consumers that they are purchasing authentic goods, and safeguards the heritage and traditional knowledge of the region.

The long-standing practice of naming products after their place of origin gained broad international recognition through the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement), which was adopted at Marrakesh on 15 April 1994 as Annex 1C to the Agreement establishing the World Trade Organization (WTO) and entered into force with the WTO on 1 January 1995.[4] Articles 22 to 24 of the TRIPS Agreement set minimum standards for the protection of GIs and

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[2] Agreement on Trade-Related Aspects of Intellectual Property Rights (adopted 15 April 1994, entered into force 1 January 1995) 1869 UNTS 299 (TRIPS Agreement), art 22(1); Geographical Indications of Goods (Registration and Protection) Act 1999 (Act 48 of 1999) (GI Act), s 2(1)(e).

[3] European Commission, *eAmbrosia: The EU Geographical Indications Register* <https://ec.europa.eu/agriculture/eambrosia/geographical-indications-register/> accessed 2 November 2026 (Champagne).

[4] TRIPS Agreement; Marrakesh Agreement Establishing the World Trade Organization (adopted 15 April 1994, entered into force 1 January 1995) 1867 UNTS 154 (Marrakesh Agreement).

oblige Members to provide interested parties with the legal means to prevent the misleading use of GIs.

The recognition of GIs protects the economic interests of local producers while assuring consumers that the goods they purchase are genuine and of the expected quality. By protecting the reputation of genuine GI goods, this framework promotes fair competition, supports international trade and helps to keep counterfeit goods out of circulation.

The wide range of goods protected by GIs worldwide illustrates the diversity of the cultural traditions that GIs help to sustain. Notable examples include the following:

1. **Champagne:** sparkling wine produced in the Champagne region of France using prescribed production methods.
2. **Roquefort:** a French blue cheese made from sheep's milk and traditionally matured in the natural caves of Roquefort-sur-Soulzon, whose mould and maturing conditions give the cheese its character.[5]
3. **Darjeeling Tea:** often described as the 'champagne of teas', this tea is grown in the Darjeeling district of West Bengal, India, where the climate of the region and traditional processing methods give it its distinctive flavour and aroma. It was the first GI to be registered in India.[6]

These examples show that, by guaranteeing authenticity and quality, GIs protect the reputation and value of local goods for the benefit of both producers and consumers.

Despite this promise, the extent to which GI law in India actually delivers consumer assurance and economic benefit remains uncertain. India now has more than 800 registered GIs,[7] yet statutory protection under the Geographical Indications of Goods

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[5] eAmbrosia (n 2) (Roquefort).
[6] Geographical Indications Registry, *GI Public Search* <https://search.ipindia.gov.in/GIRPublicSearch/> accessed 2 November 2026 (GI Registry) (Darjeeling Tea, Application Nos 1 and 2, registered 2004–05).
[7] Press Information Bureau, Government of India, 'GI Tags: Scaling Traditional Wealth into Global Brands' (4 August 2026) <https://static.pib.gov.in/WriteReadData/specificdocs/documents/2026/aug/doc202684942501.pdf> accessed 2 November 2026 (PIB).

(Registration and Protection) Act 1999 (GI Act) is confined to registered indications, consumer awareness of GI labels is uneven, and counterfeit goods continue to circulate. The research problem addressed by this paper is therefore whether the existing international and Indian legal framework adequately protects consumers against the misleading use of geographical names and enables producers to secure the economic value of origin-linked goods and, if it does not, what legal and policy measures are required.

A. Research Objectives

The objectives of this paper are:

1. to examine the international legal framework for GIs under the TRIPS Agreement, the Lisbon system and the current European Union regime;
2. to analyse the Indian statutory framework under the GI Act and the Geographical Indications of Goods (Registration and Protection) Rules 2002 (GI Rules), including registration, the rights conferred and enforcementto assess the consumer and economic significance of GI protection in India;to identify the legal and practical obstacles to effective GI protection, including those revealed by judicial decisions; and
3. to propose measures for strengthening the protection and enforcement of GIs in India.

B. Research Questions

1. What obligations do Articles 22 to 24 of the TRIPS Agreement impose on WTO Members in respect of GIs, and how has India implemented them?
2. What rights does registration under the GI Act confer, and what are the consequences of non-registration?
3. To what extent do GIs assure consumers of authenticity and contribute to the economic welfare of producers?
4. How have Indian and comparative courts approached the enforcement of GIs?

5. What legal and policy measures would make GI protection in India more effective?

C. Research Methodology

This paper adopts a doctrinal research methodology. It analyses primary sources, namely the TRIPS Agreement, the Lisbon Agreement and its Geneva Act, Regulation (EU) 2024/1143, the GI Act and the GI Rules, together with judicial decisions of Indian High Courts and the Court of Justice of the European Union (CJEU). These are supplemented by secondary sources, including peer-reviewed articles, official reports and government releases. The analysis sets out the governing legal rules, evaluates their application and draws on comparative material from the European Union and the United States where it illuminates the Indian position. Empirical consumer studies are relied upon only as contextual evidence and not as authority for legal propositions.

IV. RESEARCH AND ANALYSIS

A. The International Legal Framework

GIs are protected at both the international and the national level. The TRIPS Agreement establishes a two-tier structure of protection. Article 22 provides general protection for all GIs: Article 22(2) requires Members to provide the legal means for interested parties to prevent any use of a designation that misleads the public as to the geographical origin of goods, and any use that constitutes an act of unfair competition within the meaning of Article 10bis of the Paris Convention.[8]

Article 23 confers enhanced protection on GIs for wines and spirits, which must be protected even where the true origin of the goods is indicated, the GI is used in translation, or it is accompanied by expressions such as 'kind', 'type' or 'style'.[9] Article 24 sets out exceptions, including those for certain prior uses, for trademarks acquired in good faith and for terms that have become generic.[10] Articles 22 to 24 do not require

[8] TRIPS Agreement, art 22(2); Paris Convention for the Protection of Industrial Property (adopted 20 March 1883, last revised 14 July 1967) 828 UNTS 305 (Paris Convention), art 10bis.
[9] TRIPS Agreement, art 23(1).
[10] Ibid art 24(4)–(6).

criminal procedures; Article 61 requires criminal procedures only for wilful trademark counterfeiting and copyright piracy on a commercial scale.[11] Members remain free to determine the method of implementation, whether through sui generis legislation, trademark law or the law of unfair competition.[12]

The World Intellectual Property Organization (WIPO) administers the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration, which provides for the international registration of appellations of origin, a subset of GIs with a particularly close link to their geographical environment.[13] The Geneva Act of the Lisbon Agreement, adopted in 2015, entered into force on 26 February 2020 and extends international registration to geographical indications generally.[14]

At the national and regional level, many jurisdictions have enacted their own legislation. In the European Union, Regulation (EU) 2024/1143, which entered into force on 13 May 2024 and repealed Regulation (EU) No 1151/2012, now provides a single framework for GIs for wine, spirit drinks and agricultural products.[15]

It retains the Protected Designation of Origin (PDO) and the Protected Geographical Indication (PGI), revises the registration procedure and strengthens protection online, including protection against the use of GIs in domain names.[16] The Traditional Speciality Guaranteed (TSG) is a related quality scheme that protects traditional character rather than geographical origin and is therefore not a GI. In the United States, GIs are protected principally within trademark law, through certification

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[11] Ibid art 61.
[12] Ibid art 1(1).
[13] Lisbon Agreement for the Protection of Appellations of Origin and their International Registration (adopted 31 October 1958, revised 14 July 1967) 923 UNTS 205 (Lisbon Agreement), arts 1–2.
[14] Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications (adopted 20 May 2015, entered into force 26 February 2020) (Geneva Act); WIPO, 'Geneva Act of WIPO's Lisbon Agreement Enters into Force' (26 February 2020) <https://www.wipo.int/lisbon/en/news/2020/news_0001.html> accessed 2 November 2026.
[15] Regulation (EU) 2024/1143 of the European Parliament and of the Council of 11 April 2024 on geographical indications for wine, spirit drinks and agricultural products, as well as traditional specialities guaranteed and optional quality terms for agricultural products, amending Regulations (EU) No 1308/2013, (EU) 2019/787 and (EU) 2019/1753 and repealing Regulation (EU) No 1151/2012 [2024] OJ L2024/1143.
[16] Ibid art 35.

marks and collective marks. India protects GIs through the sui generis GI Act, examined below.

B. The Indian Statutory Framework

India enacted the GI Act (Act 48 of 1999), which received presidential assent on 30 December 1999 and came into force on 15 September 2003, together with the GI Rules.[17] The Act, which remains the governing law, is administered by the Geographical Indications Registry at Chennai. Darjeeling Tea was the first GI registered under it, in 2004–05.[18]

Section 2(1)(e) defines a 'geographical indication', in relation to goods, as an indication which identifies agricultural, natural 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 the goods is essentially attributable to their geographical origin. In the case of manufactured goods, at least one of the activities of production, processing or preparation must take place in that territory, region or locality.[19] The definition follows Article 22(1) of the TRIPS Agreement but expressly extends to natural and manufactured goods, including handicrafts.

Registration follows a structured procedure. Under section 11, an application may be made only by an association of persons or producers, or an organisation or authority established by or under any law, that represents the interests of the producers of the goods concerned.[20] The application must state how the GI designates the goods as originating in the territory, the special characteristics attributable to that origin and the mechanism for maintaining quality, and must be accompanied by a map of the area.[21] Once accepted, the application is advertised, and any person may oppose it within the prescribed period.[22] If the application is not opposed, or the opposition is

[17] GI Act; Geographical Indications of Goods (Registration and Protection) Rules 2002 (GI Rules).
[18] GI Registry (n 5) (Darjeeling Tea).
[19] GI Act, s 2(1)(e).
[20] Ibid s 11(1).
[21] GI Rules, r 32(1).
[22] GI Act, ss 13–14.

decided in the applicant's favour, the GI is registered, and producers may then apply to be registered as authorised users.[23] Registration is valid for ten years and may be renewed from time to time.[24]

Registration confers on the registered proprietor and authorised users the right to obtain relief for infringement, and on authorised users the exclusive right to use the GI in relation to the goods for which it is registered.[25] Section 22(1) treats as infringement any use that misleads persons as to the geographical origin of goods and any use that constitutes an act of unfair competition, while section 22(2) empowers the Central Government to extend additional protection, comparable to that given to wines and spirits under Article 23 of the TRIPS Agreement, to notified goods.[26] Sections 38 to 40 also make the falsification of GIs, and the sale of goods bearing false GIs, criminal offences.[27] Crucially, however, section 20(1) provides that no person may institute proceedings to prevent, or to recover damages for, the infringement of an unregistered GI, although section 20(2) preserves the action for passing off.[28] The statutory benefits of the GI Act therefore depend on registration.

The GI Rules were amended by the GI (Amendment) Rules 2025, notified on 3 November 2025, which replaced the First Schedule and substantially reduced fees. The fee for an application in one class, for instance, was reduced from INR 5,000 to INR 1,000, and the renewal fee from INR 3,000 to INR 500.[29]

C. Goods Protected by GIs

GIs may protect foodstuffs, wines, spirits, handicrafts and agricultural goods, although the legal form of protection differs between jurisdictions. Manchego cheese,

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[23] Ibid ss 16–17.
[24] Ibid s 18(1).
[25] Ibid s 21(1).
[26] Ibid s 22.
[27] Ibid ss 38–40.
[28] Ibid s 20.
[29] Geographical Indications of Goods (Registration and Protection) (Amendment) Rules 2025 (notified 3 November 2025) (GI (Amendment) Rules 2025), First Schedule; S.S. Rana & Co, 'Government Notifies the Geographical Indications of Goods (Registration and Protection) (Amendment) Rules, 2025' <https://ssrana.in/articles/government-notifies-the-geographical-indications-of-goods-registration-and-protection-amendment-rules-2025/> accessed 2 November 2026.

Prosciutto di Parma, Bordeaux wine and Scotch whisky are protected as GIs in the European Union,[30] and Kashmir Pashmina shawls are a registered GI in India.[31] In other cases, origin-linked names are protected through trademark law rather than a GI register. Kona coffee from Hawaii, for example, is protected in the United States through the '100% KONA COFFEE' certification mark, registered with the United States Patent and Trademark Office in 2000, and through Hawaii's coffee-labelling legislation.[32]

Jamaica Blue Mountain coffee is similarly protected in several export markets through certification marks.[33] Champagne, which may be so described only if it is produced in the Champagne region in accordance with its specification, and Darjeeling Tea, which is grown only in the Darjeeling district of West Bengal, remain the best-known examples.

5.4 GIs and Consumers

GIs provide consumers with a reliable indication of origin and quality, assuring them that they are purchasing genuine goods. A registered GI signifies that the product originates in the designated area and conforms to the applicable specification, which protects both its quality and its reputation. This assurance can strongly influence consumer trust and purchasing decisions. Consumers are more likely to purchase Roquefort cheese, for example, because the protected name indicates that the cheese was produced within the defined area under strict rules.

GIs also have cultural and historical significance, because they help to preserve local cultural heritage and traditional production methods. By providing legal protection for the names of goods connected with particular regions, GIs encourage the transmission of traditional knowledge and skills across generations.[34] Prosciutto di

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[30] eAmbrosia (n 2).
[31] GI Registry (n 5) (Kashmir Pashmina, Application No 46).
[32] United States Trademark Registration No 2,322,867, '100% KONA COFFEE' (certification mark, registered 29 February 2000; registrant: Department of Agriculture of the State of Hawaii); Hawaii Revised Statutes § 486-120.6 (labelling of Hawaii-grown coffee).
[33] United States Certification Mark Registration No 1,414,598 (Jamaica Blue Mountain Coffee).
[34] Kasturi Das, 'Prospects and Challenges of Geographical Indications in India' (2010) 13 JWIP 148.

Parma, for example, must be produced in accordance with long-established methods laid down in its product specification. Consumers who feel a connection with the region of origin often show greater appreciation of, and loyalty to, GI products, whether that connection is cultural, emotional or based on perceived authenticity and quality.

GIs therefore influence consumers by signalling the authenticity, quality and cultural significance of origin-linked goods such as Kancheepuram Silk and Darjeeling Tea.[35] Because GIs attest to provenance and the use of traditional methods, they can increase consumer confidence and enable producers to command higher prices.[36] These benefits may, however, be eroded by misuse and counterfeiting unless they are supported by consumer education and effective enforcement.[37]

In India, the number of registered GIs has grown from 106 in August 2009 to more than 800.[38] As of December 2025, handicrafts accounted for 445 registrations, agricultural goods for 251, food products for 66, manufactured goods for 64 and natural goods for five,[39] which indicates where consumer-facing benefits are most visible. The Government has also announced a target of 10,000 registered GIs by 2030.[40] Growth in registrations does not by itself ensure that producers receive the resulting benefits, and the expansion of foreign markets reinforces the need for strong legal protection and continued consumer education to sustain the value of GIs and promote rural development.[41]

D. The Economic Significance of GIs

The most significant economic effect of GIs is the price premium that GI goods frequently attract. Goods that are guaranteed to be authentic, produced in limited quantities and perceived to be of high value can command substantially higher prices

[35] GI Registry (n 5) (Kancheepuram Silk, Application No 15).
[36] Das, 'Prospects and Challenges' (n 33).
[37] Ibid.
[38] Kasturi Das, *Socio-economic Implications of Protecting Geographical Indications in India* (Centre for WTO Studies, Indian Institute of Foreign Trade, August 2009); PIB (n 6).
[39] PIB (n 6).
[40] Ibid.
[41] Das, 'Prospects and Challenges' (n 33).

than comparable goods without a GI. A study commissioned by the European Commission found that the sales value of products bearing a protected name was, on average, about twice that of comparable products without one.[42] Parmigiano Reggiano, for example, commands a higher price than generic hard cheeses sold as 'parmesan' outside the European Union. Such premiums benefit producers by increasing sales and encouraging the continuation of traditional methods.

GIs also help producers enter markets in which consumers are willing to pay a premium for distinctiveness and quality, because they differentiate products in highly competitive markets. As the range of GI goods expands, consumers gain access to a wider choice of distinctive products. GIs can further contribute to rural development by stimulating local economies and creating employment.[43] Because the value of a GI depends on its reputation, producers have an incentive to maintain quality, which may in turn encourage sustainable agricultural and production practices and help to preserve biodiversity in the regions concerned.

By associating products with particular places and their distinctive qualities, GIs offer consumers assurance, and GI products are often priced higher because of their perceived quality and traditional production methods. GIs also support rural growth and employment by opening export markets for local products. By protecting traditional knowledge and artisanal skills against misappropriation, GIs strengthen the market access and income of local producers while preserving cultural heritage. Muga Silk of Assam and Kancheepuram Silk of Tamil Nadu are registered GIs that sustain local economies in this way.[44]

E. Challenges: Consumer Awareness, Fraud and Misuse

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[42] European Commission, *Study on Economic Value of EU Quality Schemes, Geographical Indications (GIs) and Traditional Specialities Guaranteed (TSGs)* (Publications Office of the European Union 2020), summarised in EEAS, 'Geographical Indications – A European Treasure Worth €75 Billion' (27 April 2020) <https://www.eeas.europa.eu/delegations/china/geographical-indications-%E2%80%93-european-treasure-worth-%E2%82%AC75-billion_en> accessed 2 November 2026.

[43] Naresh Kumar Vats, 'Geographical Indication: The Factors of Rural Development and Strengthening Economy' (2016) 21 JIPR 347.

[44] Vats (n 42); GI Registry (n 5) (Muga Silk, Application No 55; Kancheepuram Silk, Application No 15).

A principal obstacle to the effectiveness of GIs is the uneven level of consumer awareness and understanding. Although GIs are associated with authenticity and quality, and many consumers actively seek GI products, recognition varies considerably across regions and demographic groups.[45] Where GIs are less well known, or the concept is relatively new, consumers may be unable to recognise the label or understand its significance, and both producers and consumers then lose the benefits that GIs are designed to provide.

Public education and information initiatives are needed to close this awareness gap. Governments, trade bodies and producers have conducted campaigns on the importance of GIs, using public service announcements, informative labelling, seminars and partnerships with retailers to promote GI products. Media coverage and marketing can also play a significant role in promoting GI goods and building consumer appreciation of them.

A second major problem is fraud and misuse. False GI designations on counterfeit goods can damage the reputation of genuine products and seriously undermine consumer confidence. Inferior goods are sometimes sold under a reputed GI, misleading consumers and, in the case of food and beverages, potentially endangering their health. Whether a particular use is unlawful, however, depends on the jurisdiction. In *Commission v Germany*, the CJEU held that the use of 'Parmesan' for cheese not complying with the specification of the protected designation 'Parmigiano Reggiano' constituted an evocation of that designation, and that it had not been shown that the term had become generic, although the Commission's infringement action against Germany was dismissed on other grounds.[46] In the United States, by contrast, 'parmesan' is treated as a generic term and is the subject of a federal standard of identity.[47] The same name may thus be protected in one market and freely used in another.

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[45] Sangeetha K Prathap and Sreelaksmi CC, 'Determinants of Purchase Intention of Traditional Handloom Apparels with Geographical Indication among Indian Consumers' (2022) 4(1) Journal of Humanities and Applied Social Sciences 21 (first published online 20 November 2020).
[46] Case C-132/05 *Commission v Germany* [2008] ECR I-957.
[47] 21 CFR § 133.165 (standard of identity for parmesan and reggiano cheese).

Several measures are used to protect consumers and combat fraud, including legal frameworks that prohibit the misappropriation of GIs, regular market inspections and product-tracking systems. Stronger regulatory enforcement and international cooperation are needed to counter cross-border fraud. Producers and regulators have also begun to use digital traceability tools, including blockchain-based systems, to record the movement of GI goods from production to sale; the legal value and limits of such tools are considered in Section 5.8.

GI labelling can increase consumer confidence in the authenticity and quality of goods in a market affected by counterfeiting. An empirical study of Indian consumers of traditional handloom apparel found that GI labelling, by signalling a link with traditional methods and local heritage, can reduce information asymmetry between buyers and sellers and increase consumers' willingness to pay for GI-designated goods.[48] Because the use of a registered GI is legally restricted to authorised users, the GI label also operates as a legal safeguard that distinguishes genuine goods in the marketplace.[49] Limited consumer awareness and the need for stronger branding and marketing strategies, however, remain to be addressed.[50]

F. Judicial Approach to GI Enforcement

Indian courts have clarified the limits of statutory GI protection. In *Tea Board of India v ITC Ltd*, the Tea Board, as registered proprietor of the 'Darjeeling' GI, sought to restrain ITC from operating a 'Darjeeling Lounge' at one of its hotels. On 4 February 2019, the Calcutta High Court dismissed the suit, holding that the protection conferred by the GI Act, including the infringement provision in section 22, extends to goods and not to services such as hospitality.[51] The Court further held that ITC's use was protected under section 26 of the Act and that no case of passing off had been made out.[52] The decision shows that the GI Act does not prevent the use of a GI's reputation

[48] Prathap and Sreelaksmi (n 44).
[49] GI Act, s 21(1)(b).
[50] Prathap and Sreelaksmi (n 44).
[51] *Tea Board of India v ITC Ltd* CS No 250 of 2010 (Cal HC, 4 February 2019).
[52] Ibid.

in relation to unrelated services.

In *Scotch Whisky Association v Golden Bottling Ltd*, the Delhi High Court restrained an Indian manufacturer from selling whisky under the name 'Red Scot', which suggested a Scottish origin.[53] The claim was decided as one of passing off, a remedy that section 20(2) of the GI Act preserves independently of registration; statutory infringement proceedings, by contrast, are barred for unregistered GIs by section 20(1).[54] The decision shows that passing off remains an important supplementary remedy, but one that requires the claimant to prove reputation, misrepresentation and damage, which is a heavier burden than proving infringement of a registered GI.

Taken together, these decisions reveal three features of GI enforcement in India: protection under the GI Act depends on registration, it is confined to goods, and, outside those limits, producers must rely on passing off. The approach of the CJEU in *Commission v Germany*, under which the evocation of a protected name is itself prohibited, shows a broader standard that India may wish to consider in its domestic law and in negotiating reciprocal protection.

G. The Way Ahead: Technology, Globalisation and Policy Developments

Technological developments are likely to change the way in which GIs are promoted and managed. Digital traceability systems, including blockchain, can record each stage of a product's life cycle in a ledger that is difficult to alter, and may thereby help to deter fraud, support regulatory compliance and give consumers fuller information about a product's origin.[55] A blockchain, however, records only the data entered into it and cannot by itself verify that a physical product corresponds to its digital record. This 'oracle problem' means that the reliability of a blockchain record depends on the integrity of the persons and devices that enter the data, and on independent inspection by certification bodies.[56]

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[53] *Scotch Whisky Association v Golden Bottling Ltd* (2006) 129 DLT 423 (Del).
[54] GI Act, s 20.
[55] J Marszałek, 'Blockchain and Traceability of Geographical Indication Products' (2024) 4(65) Gdańsk Legal Studies 66.
[56] Giulio Caldarelli, Cecilia Rossignoli and Alessandro Zardini, 'Overcoming the Blockchain Oracle Problem in the Traceability of Non-Fungible Products' (2020) 12(6) Sustainability 2391.

From a legal perspective, blockchain records may be relevant as evidence of origin in GI proceedings. Under Indian law, such records are electronic records whose admissibility is governed by sections 61 to 63 of the Bharatiya Sakshya Adhiniyam 2023, which require, among other things, a certificate in the prescribed form.[57] Such records could support, but would not replace, section 23 of the GI Act, under which registration is prima facie evidence of validity.[58]

Producers are also increasingly using digital platforms and social media to engage with consumers, to describe the history of their products and to highlight the distinctive qualities and documentation associated with GI goods. Such direct engagement may strengthen consumer loyalty to GI products, although its effect on purchasing behaviour has yet to be established by systematic evidence.

Globalisation is a further factor shaping the future of GIs. As global markets expand, GIs are being recognised and protected in new contexts, and countries with rich agricultural and cultural resources are developing GIs to support their economies and sustainable development. GI systems in Latin America and Africa are not new. Mexico declared 'Tequila' an appellation of origin in 1974,[59] and Café de Colombia became, in 2007, the first agri-food product from outside the European Union to obtain protection as a geographical name in the EU.[60] In Africa, the Organisation Africaine de la Propriété Intellectuelle (OAPI) operates a regional system under which Cameroon's Penja pepper was registered in 2013; Penja pepper was subsequently registered in the EU in 2022.[61] The continued development of GIs in these regions may contribute to a more diverse global market for GI products.

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[57] Bharatiya Sakshya Adhiniyam 2023 (Act 47 of 2023), ss 61–63.
[58] GI Act, s 23.
[59] Consejo Regulador del Tequila, 'Chronological Notes on the History of the Appellation of Origin Tequila' <https://old.crt.org.mx/index.php/en/pages-2/chronology> accessed 2 November 2026.
[60] Federación Nacional de Cafeteros de Colombia, 'Geographical Indications for Colombian Coffee' <https://cafedecolombia.com/geographical-indications-for-colombian-coffee/?lang=en> accessed 2 November 2026.
[61] Delegation of the European Union to Cameroon, Press Release on the EU registration of 'Poivre de Penja' (17 March 2022) <https://www.eeas.europa.eu/sites/default/files/press_release_penja_pepper_en.pdf> accessed 2 November 2026.

Recent Indian developments reflect a policy shift from registration towards commercialisation. The 2025 amendment to the GI Rules substantially reduced filing and renewal fees, and the Government has set a target of 10,000 registered GIs by 2030.[62] At the bilateral level, India and the European Union announced the conclusion of negotiations on a free trade agreement on 27 January 2026, while a dedicated agreement on GIs has been negotiated on a parallel track and remained under negotiation in August 2026.[63] Any such agreement will require India to ensure that its domestic enforcement capacity matches the reciprocal protection that it secures for Indian GIs abroad.

V. SUGGESTIONS AND RECOMMENDATIONS

The analysis above identifies four problems: dependence on registration, gaps in enforcement, low consumer awareness and difficulties in proving origin. The following measures are proposed to address them.

1. **Registration and post-registration control:** Because section 20 bars infringement actions for unregistered GIs, producer associations and State agencies should prioritise the registration of eligible GIs and of authorised users, whose number determines how many producers can actually benefit. The reduced fees under the GI (Amendment) Rules 2025 make this more feasible. Registered proprietors should also establish inspection and quality-control mechanisms so that the product specification is enforced after registration.
2. **Protection beyond goods:** In the light of *Tea Board of India v ITC Ltd*, Parliament may consider whether the GI Act should protect GIs with a reputation against uses that take unfair advantage of that reputation, including in relation to services, along the lines of the evocation standard applied in the European

[62] GI (Amendment) Rules 2025; PIB (n 6).
[63] European Commission, 'EU and India Conclude Landmark Free Trade Agreement' (Press release, 27 January 2026); Clyde & Co, 'India-EU Free Trade Agreement: An Unfinished Treaty' (February 2026) <https://www.clydeco.com/en/insights/2026/02/india-eu-free-trade-agreement-an-unfinished-treaty> accessed 2 November 2026; PIB (n 6).

Union. Until then, producers should plead passing off and unfair competition in the alternative.

3. **Consumer awareness:** Awareness measures should respond to the gap identified in Section 5.6 through the consistent use of registered GI logos at the point of sale, clear GI information on e-commerce platforms and joint campaigns by the GI Registry, producer bodies and retailers. These measures would directly reduce the information asymmetry on which counterfeiters rely.
4. **Evidence of origin:** Producer associations should adopt traceability systems that are linked to independent inspection, and should maintain records in a form that satisfies section 63 of the Bharatiya Sakshya Adhiniyam 2023, so that such records can be relied upon as evidence of origin in infringement and passing-off proceedings.
5. **Legal education and GI clinics:** Law schools can contribute through GI clinics, that is, supervised legal aid clinics in which students assist producer communities in identifying potential GIs, preparing applications and registering authorised users. Such clinics address the low awareness among producers and the limited registration of authorised users identified above, and they may be supported by awareness campaigns run jointly with GI producer bodies.
6. **International coordination:** In negotiating a GI agreement with the European Union and similar agreements with other partners, India should seek reciprocal protection for its GIs and should strengthen customs and market-surveillance capacity to counter cross-border fraud.

VI. CONCLUSION

This paper has examined whether the legal framework governing GIs adequately protect consumers and producers. At the international level, Articles 22 to 24 of the TRIPS Agreement establish a two-tier system that leaves Members free to choose the method of implementation. India has implemented it through a sui generis regime that in several respects exceeds the TRIPS minimum standards, notably by creating

criminal offences and by permitting additional protection for notified goods.

The analysis shows, however, that the benefits of the GI Act depend on registration and are confined to goods. Section 20 bars infringement proceedings for unregistered GIs, and *Tea Board of India v ITC Ltd* confirms that the Act does not extend to services, leaving producers to rely on passing off. Although GIs can assure consumers of authenticity and yield price premiums for producers, uneven consumer awareness, counterfeiting and limited post-registration enforcement prevent these benefits from being fully realised, despite the growth in registrations to more than 800.

GI protection in India will therefore deliver its promised consumer assurance and economic benefit only if registration is matched by effective enforcement, informed consumers and reliable evidence of origin. The measures proposed in this paper, from post-registration quality control to GI clinics and reciprocal international protection, are directed to that end.

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