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GEOGRAPHICAL INDICATIONS: TRACING TRANSCONTINENTAL TRADE ROUTES TO CONTEMPORARY REVOLUTIONS - AN ANALYTICAL STUDY OF GLOBAL CHALLENGES

Rushikesh Suresh Belagali¹

I. ABSTRACT

Geographical Indications (GIs) are a unique combination of trade, culture, and law that connects products to their place of origin via collective reputation and customary knowledge. This analytical study analyzes the historical growth of global interconnections (GIs) from ancient transcontinental trade routes including the Silk Route, Spice Route, and Mediterranean trade networks to their current resurrection as tools for economic fairness and cultural assertion. Historically, origin-based identifiers such as "Damask silk" and "Malabar pepper" served as informal quality labels, promoting long-distance trading. In the modern period, GIs have experienced legal transformations, particularly through international frameworks such as the TRIPS Agreement, to become tools for rural development, market difference, and misappropriation prevention. The paper critically investigates modern "GI revolutions," particularly in the Global South, where GIs are being used to reclaim indigenous heritage, empower local communities, and resist global trade inequalities. At the same time, it outlines long-standing global concerns, such as disparities in protection, conflicts between traditional producers and corporate actors, enforcement difficulties, and contradictions between GIs and trademarks. The paper takes an analytical and comparative approach, highlighting how GIs function as both means of resistance to homogeneity and contested areas under neoliberal trade regimes. The article contends that, while GIs have transformative potential, their success is contingent on equitable governance, community participation, and increased international cooperation.

¹ LLM (IP) at Amity University Noida Uttar Pradesh (India). Email: rishibelagali@gmail.com

II. KEYWORDS

Geographical Indications; Global South; TRIPS Agreement; Cultural Heritage; Global Trade Governance.

III. INTRODUCTION

“People will not look forward to posterity who never look backward to their ancestors.”², said the great philosopher Edmund Burke in his *Reflections on the Revolution in France* (1790). Through his profound words, Burke laid great emphasis upon the significance of historical continuity in the ever-evolving revolutionary world. In other words, it means problems of the present can be drastically solved when the past is grounded and studied properly as it is the past that shapes the present and the present shapes the future. History is called “*itihāsa*”³ in which “*ti*” refers to “thus” and “*hāsa*” (from *ha/ās*) denotes “it was”. Together it gives the meaning “thus indeed it was”.

Now the question arises, why the study of the past is so crucial for tackling the problems of the present as time cannot be rewinded or altered, the events that occurred also cannot be changed. What is done is done. It holds no significance in the present. But this opinion will in turn only lead to destruction as the present without the teachings of the past is nothing but a carelessly shaped future. That is where history enters the picture. It provides researchers with precious knowledge that grounds their research and takes them to the origin of ideas that evolved into contemporary phenomena. By examining the past, we reach the foundational ideas and concepts that contributed to the development of a notion and the values that shaped its evolution. Once this is understood, addressing present challenges and shaping a better future becomes more systematic and effective.

² Edmund Burke, *Reflections on the Revolution in France* (1790).

³ *Itihāsa* (Sanskrit: इतिहास), meaning “thus indeed it was,” traditionally used in ancient Indian literature to denote historical narratives such as the Mahabharata and Ramayana.

It is the duty of researchers, regarded as seekers of truth, to examine vast bodies of information, distinguish between reality and theory, and uncover insights embedded within historical knowledge and events. Thus, history is a good old companion of every scholar who thrives to seek the truth which can significantly contribute in today's world and also bestow innumerable benefactions in shaping a better future.

Now, when speaking about GIs, i.e., Geographical Indications, we must not neglect their historical foundations and evolution, as the concept is not only related to geography but also carries a vast legacy of culture, art, creativity, traditional knowledge, heritage, and the richness of a dominion's history, collectively reflecting a broader philosophy of life.

The concept of GIs is not a contemporary notion. It traces back to transcontinental trade routes that functioned between regions including China, India, the Gulf, Europe, and Britain.

The Silk Road connected people throughout Asia over thousands of miles. It connected the East and the West and included both land and maritime routes, enabling the exchange of products, ideas, and cultures across regions. Its transcontinental character facilitated the movement of commodities such as textiles, precious metals, silk, spices, and gemstones over long distances. As traders, tourists, academics, and explorers traveled the routes, they brought ideas, beliefs, art, languages, and goods with them. This led to a wealthy tapestry of cultural exchanges, resulting in the spread of faiths like Islam, Buddhism, and Christianity, as well as the sharing of architectural and artistic styles. The Silk Road played a pivotal role in shaping the geopolitics of the regions it traversed. Empires such as the Roman Empire, the Han Dynasty of China, the Persian Empire, and the Byzantine Empire all benefited from the wealth generated by trade along these routes. The establishment of diplomatic relations and the forging of alliances were often influenced by economic interests tied to the Silk Road.⁴ Then came the period of the guild system which was prevalent in Europe and West Asia. This was followed by the

⁴ Jeevan Vichare, *The Impact of the Silk Road on Global Trade: A Historical Perspective* (2024).
<https://www.ijnrd.org/papers/IJNRDC001014.pdf>

protection of origin-based products by the states and the royal patronage. Sooner, first legal codifications regarding the protection of the reputation of the origin-based products were globally recognised which was then upheld by the internationalization of GIs through conventions and treaties.

A. Research Objectives

1. To trace the historical evolution of Geographical Indications, with particular emphasis on the Global South and the impact of colonial trade practices.
2. To analyse the international legal framework governing GIs, including conventions such as TRIPS, and assess their structural limitations.
3. To evaluate the disparity in protection between wines and spirits and other GI products, especially handicrafts and artisanal goods.
4. To examine the challenges faced by Global South countries in securing effective recognition and protection of their GIs.
5. To propose measures for strengthening GI protection in order to ensure equitable recognition and benefit-sharing for developing nations.

B. Research Questions

1. How did the geographical indications originate and in what elements contributed to the unequal recognition of Global South products in the international framework?
2. To what extent does the current international GI regime, particularly under the TRIPS Agreement, reflect structural bias in favour of wines and spirits over other origin-based products?
3. What are the key legal and institutional challenges such as fragmented protection, colonial legacy, and over-commercialisation that hinder effective GI protection for Global South countries.

C. Hypotheses

1. The historical evolution of Geographical Indications, particularly during the colonial period, has contributed to the marginalisation and under-recognition of Global South products in the modern GI regime.
2. The international GI framework, especially under the TRIPS Agreement, exhibits a structural bias by granting enhanced protection to wines and spirits, thereby disadvantageous to other origin-based products.
3. Fragmented international protection, coupled with colonial legacy and over-commercialisation, significantly undermines the effectiveness of GI protection for Global South countries.

D. Research methodology

This study uses a doctrinal and analytical research method. It mainly depends on secondary sources like books, journal articles, international conventions such as the TRIPS Agreement, and reports from international organizations. The research includes a critical analysis of the development and effectiveness of the Geographical Indications regime, especially concerning Global South countries.

The study also undertakes a historical approach to understand GI not as a contemporary phenomenon but rather as a concept witnessing drastic evolutions and significant breakthroughs through monopoly, colonialism and exploitation.

E. Literature Review

The existing scholarship on Geographical Indications (GIs) adopts a multidisciplinary lens, combining history, law, and economics. Historical analyses by Fernand Braudel and Karl Polanyi trace the roots of origin-based reputation in early trade systems, while studies by K. N. Chaudhuri and Om Prakash highlight the significance of Global South products in pre-modern commerce.

Research on guilds by Sheilagh Ogilvie and Paul Duguid identifies early forms of collective quality control resembling modern GIs. Legal scholarship by Dev Gangjee,

Daniel Gervais, and Justin Hughes examines the evolution and challenges of GI protection under contemporary frameworks.

Critical perspectives from Carlos M. Correa and Vandana Shiva underline inequalities in the global GI regime, particularly affecting the Global South. However, existing literature rarely integrates historical, colonial, and contemporary dimensions, a gap this study aims to address.

IV. HISTORICAL EVOLUTION OF GEOGRAPHICAL INDICATIONS AND LEGAL FRAMEWORKS

The world intellectual property organization defines geographical indications as; a sign used on products that have a specific geographical origin and possess qualities or a reputation that are due to that origin. In order to function as a GI, a sign must identify a product as originating in a given place. In addition, the qualities, characteristics or reputation of the product should be essentially due to the place of origin. Since the qualities depend on the geographical place of production, there is a clear link between the product and its original place of production.⁵

Geographical indications are a vital component responsible for the development of economies and recognition of underrepresented communities at the international level. They not only protect the financial interests of the owners of such products but also grant them overall protection against all forms of infringement across nations.⁶

The whole concept of geographical indications is not a newfangled notion rather it is a concept that has evolved with historical events and witnessed drastic changes and developments over a period of time. Straight from the transcontinental trade routes between major export countries and moving towards internationalization of the origin-based products through global conventions and agreements, GIs have become an integral

⁵ WIPO, definition of geographical indications. <https://www.wipo.int/en/web/geographical-indications>

⁶ Akash Krishnan, significance of GI tags in India <https://blog.ipleaders.in/significance-of-geographical-indication-tags-in-india/>

part of the modern-day industrial revolution and has emerged as a notable element of the IPR regime worldwide.

From the silk route to the ancient guild system followed by the colonial trade age, from first legal codifications ever made on protection of origin based commodities, till the age of the international phase of history of GIs, the overall evolution these indications have beheld dramatic changes, overcome exploitation of the monopolist countries and gained a well-deserved place in the global market in the recent times.

V. TRANSCONTINENTAL TRADE ROUTES; THE FIRST EVER GI INSTANCE: (3000 BCE TO 500 CE)

A. The silk route

A legend has it that in 2640 BC, when an insect accidentally fell from an old mulberry tree straight into a hot cup of tea which was being relished by Lady Xi Ling Shi, the queen of emperor Huan Ti in Neolithic China led to the historical discovery of a globally celebrated fabric i.e silk.⁷ And the trade of the same to various countries led to the emergence of the historical silk route that consisted of not only silk but other luxury goods such as spices, ceramics, precious stones, perfumes, carpets and so on.

In the ancient era silk was the most prominent commodity which was highly demanded by European countries. It was not only a symbol of luxury, but it also held a prestigious value for the wearer. Although the Indian origin of silk is not as widely supported as China's, India holds its own independent tradition of sericulture and silk fabric production. The earliest evidence of presence of silk like fabrics in India can be seen in the Vedic texts written between the period of 1500 to 500 BCE where the term "Kauseya"⁸ is used significantly referring to a raw version of the fine mulberry silk of China, which was called Tussar, Eri or Muga depending upon the region and manner of cultivation.

⁷ Zhao, Feng. "Silk: origin and globalization." *Textiles and Clothing along the Silk Roads* (2022): 15-30.

⁸ Rgveda (Vedic references to textiles; later interpreted to include silk-like fabrics); see also Monier Monier-Williams, *A Sanskrit-English Dictionary* 300 (Oxford Univ. Press 1899) (defining "kauseya" as silk or silk cloth).

In the ancient Indian culture, silk has always been a fabric which was celebrated even by the Gods such as the yellow raw silk named “Pitambarā”⁹ which is worn by Lord Vishnu and his Avatars as per Vishnu Shasranamam and Shrimad Bhagvatam. The goddesses of the Indian temple world are depicted in rich silk weaves such as Banarasi, Kanjeevaram and Paithani among other prominent names from centuries.

Many archeologists and historians are of the opinion that silk cultivation was a vital part of the Indus Valley Civilisation between 2800 BC to 1800 BC but with the collapse of the civilisation the method of producing silk was also lost giving a 2000 year long monopoly of silk to China.¹⁰

In 440 AD, a silkworm set out on a trans-border voyage hiding itself in the hair locks of an unnamed Chinese princess who was married to a Prince of Khotan in Central Asia leading to a shift in the long detained silk monopoly by China.¹¹ In 552 CE a Byzantine emperor named Justinian sent his two monks to China who smuggled the silkworm eggs in bamboo sticks which is another instance of silk cultivation spreading out of the Chinese border.¹²

A folklore of Japan believes that an Indian princess who was tied to mulberry barks was thrown into the sea by her stepmother with an intention to kill her and those strands floated all the way to the Japanese shores which were then grown into mulberry trees and the princess was somehow blessed to become a silkworm thus leading to origin of sericulture in Japan¹³.

⁹ *Bhāgavata Purāṇa* bk. 10, ch. 3 (describing Krishna adorned in yellow garments); see also Vāmana Purāṇa (references to Vishnu as “Pitambarā,” i.e., one clothed in yellow silk); Monier Monier-Williams, *A Sanskrit-English Dictionary* 618 (Oxford Univ. Press 1899) (defining “pītāmbara” as yellow garment, often silk).

¹⁰ K. N. Chaudhuri, *Trade and Civilisation in the Indian Ocean* 63–78 (Cambridge Univ. Press 1985); John M. Kenoyer, *Ancient Cities of the Indus Valley Civilization* 152–55 (Oxford Univ. Press 1998).

¹¹ Xinru Liu, *The Silk Road in World History* 18–22 (Oxford Univ. Press 2010).

¹² Procopius, *History of the Wars* bk. VIII (H. B. Dewing trans., Harvard Univ. Press 1935); Xinru Liu.

¹³ Kazuko Morohashi, *Mulberry and Silkworm: A Cultural History of Sericulture in Japan* 10–15 (2005); UNESCO, *Silk Roads Programme*.

In the second century AD, the Chinese established the Silk Road to the west. After leaving Xi'an, the major route crossed the Pamir Mountains and headed either north or south of the world's driest desert, Taklamakan. Along with camels and yaks carrying about 140 kilograms (310 pounds) of goods, the caravans that traveled this route to trade silk with other traders were typically rather large, with 100 to 500 individuals. About a year's journey from Xi'an, the path connected to Antioch and the Mediterranean beaches. Before returning to the northern route, a second route in the south passed through Yemen, Burma, and India.¹⁴

Roman demand for silk cloth from the Far East, which the Parthians subsequently resold to the Romans, signaled the start of regular trade between the Romans and Asia shortly after the conquest of Egypt in 30 BC. For both moral and financial considerations, the Roman Senate made an unsuccessful attempt to outlaw the wearing of silk. Large sums of gold left Rome as a result of the import of Chinese silk, to the point where silk apparel was seen as an indication of immorality and decadence.¹⁵

The Silk Route gradually became a medium for trade in luxury items such as ivory, Chinese ceramics, Persian carpets, precious gemstones, spices, perfumes, rose water, wine, oils, and other goods, china became prominent exporter of silk textiles, tea, ink and calligraphy tools, paper, and crockery made from porcelain. India which was then celebrated as the golden bird was known for its spices such as black pepper, cardamom, cinnamon and cloves, fabrics such as muslin, cotton, silks and indigo rocks, precious stones like the Golkonda diamonds and even incense and majorly sandalwood. Persia emerged as a global trading country for carpets and rugs, saffron mainly from Khorasan, rose water, liquor, silverware and other metalworks.¹⁶

¹⁴ Wood, Francis (2002). *The Silk Road: Two Thousand Years in the Heart of Asia*. Berkeley, CA: University of California Press. <https://archive.org/details/silkroadtwothous0000wood>

¹⁵ Pliny the Elder, *Natural History* bk. VI, ch. 26 & bk. XII, ch. 84 (H. Rackham trans., Harvard Univ. Press 1949) (describing Roman trade with the East and criticising the import of silk as a drain on Roman wealth and a symbol of luxury);

¹⁶ Xinru Liu, *The Silk Road in World History* 21–45 (Oxford Univ. Press 2010)

VI. MEDIEVAL GUILD SYSTEM: EUROPE AND WEST ASIA (1100 CE-1600 CE)

The term “Guild” refers to an association of craftsmen or merchants formed for mutual aid and protection and for the furtherance of their professional interests. Guilds flourished in Europe between the 11th and 16th centuries and formed an important part of the economic and social fabric in that era.¹⁷

Generally speaking, there were two kinds of medieval guilds: craft guilds and merchant guilds. Merchant guilds were organizations made up of all or the majority of the merchants in a certain town or city. These individuals might deal in a variety of items and be either local or long-distance traders, wholesale or retail sellers. Conversely, craft guilds were professional organizations that often included all craftsmen and artisans in a specific industry or business. For example, there were guilds for masons and architects in the building profession, weavers, dyers, and fullers in the wool trade, painters, metalsmiths, blacksmiths, bakers, butchers, leatherworkers, soap makers, and so forth.¹⁸

In the local economy, guilds carried out a number of crucial tasks. In order to further the interests of the guild members and accomplish their economic goals, they established a monopoly of trade in their community or within a specific industry or commerce; they set and upheld standards for the quality of goods and the integrity of trading practices in that industry; they worked to maintain stable prices for their goods and commodities; and they attempted to exert control over town or city governments.

A. Metalwork guilds of the southern India

Medieval India is known for its tightly hierarchical and potent merchant guilds that regulated trade in and throughout the region. One of the major merchants, the Ayyavole 500 (Ainnurruvar), based in Aihole, acted as an influential trans-regional trading network. The Anjuvannam included West Asian traders, including Jewish traders,

¹⁷ Guild, britannica encyclopedia <https://www.britannica.com/topic/guild-trade-association>

¹⁸ Ibid.

Christian traders and Muslim merchants, operating at the leading ports in the Malabar and Coromandel coasts, as well as in Southeast Asia, representing the cosmopolitan character of Indian Ocean trade. The Nanadesi were itinerant traders from different regions and often joined forces with other guilds, such as Manigramam and Ayyavole, to create grand commercial networks. A number of specialised guilds, such as the Sankarappadi guild and Saliya Nagarattar, were also founded which engaged in some specific trades and crafts.¹⁹

B. European guilds

Medieval Europe has some very clear examples of guild-based production systems associated with targeted regional products. In Murano, guilds controlled the production of Venetian glass, ensuring the techniques were protected and artisans restricted, so that the craft would not compromise on either prestige or exclusivity. Likewise, in Florence, the strong Arte della Lana guild controlled the production and trade of high-quality woollen textiles, promoting consistency and commercial hegemony. For example, Roquefort producers in France collectively preserved the traditions of cheese production in the area. In London, the Goldsmiths' Company regulated the production of gold and silver commodities, stamping them with purity standards. At the time, such examples demonstrate how in Europe, the guilds managed to maintain product quality, regulate trade, and assure the name of a region's produce (or to some extent its identity) they also served as nascent institutions of collective control similar to contemporary Geographical Indications.²⁰

C. Royal Protection and State Patronage:(c. 1400–1800 CE)

Such were the periods between the fifteenth and the eighteenth centuries of origin-based goods that informal systems of reputation began to receive direct royal and state

¹⁹ R. Champakalakshmi, *Trade, Ideology and Urbanization: South India 300 BC to AD 1300* 327–45 (Oxford Univ. Press 1996).

²⁰ *Glassmaking in Murano*, Victoria & Albert Museum, <https://www.vam.ac.uk/articles/glassmaking-in-murano>; Richard A. Goldthwaite, *The Building of Renaissance Florence* 241–45 (Johns Hopkins Univ. Press 1980) (discussing the Arte della Lana and Florentine wool industry);

patronage. Textiles from Varanasi and Bengal (including muslin) in the Indian subcontinent under the Mughal Empire were produced under imperial supervision through karkhanas, or royal workshops. These textiles were not only supplied to the royal court but were also exported widely, known for their superior craftsmanship and quality. Mughal rulers standardized production, controlled quality, and patronised skilled artisans, thus cementing the link between a region and unique textile products; an early form of state-backed reputation protection.²¹

Likewise, royal patronage was particularly influential in the development of carpet weaving in Safavid Persia. Centres such as Isfahan and Kashan became famous for producing carpets under court supervision. The Safavid monarchs also established royal workshops that provided standardized design, material, and technical details to create a global brand of elegant carpets, which are known worldwide as luxury objects, with the Persian carpet regarded as gold. This system increased their value in commerce and also anchored their identity in a particular geographical and cultural environment²². Outside India and Persia, royal protection has also been seen elsewhere in the Global South. In the Ottoman Empire, silk was mainly produced in the Bursa region, which was a state-sponsored industry where production was regulated with certain quality standards for domestic use as well as overseas exports. Ottoman control over trade routes and production also promoted their silk products goodwill in the world. Imperial control over porcelain production in Jingdezhen, China during the Ming dynasty marked a further degree of royal protection. The imperial kilns were dedicated to making fine ceramics not only for the court but also for export, and it was through the careful discipline of

²¹ Tirthankar Roy, *India in the World Economy: From Antiquity to the Present* 54–60 (Cambridge Univ. Press 2012), <https://doi.org/10.1017/CBO9781139017275>;

²² Walter B. Denny, *The Classical Tradition in Anatolian Carpets* 12–18 (2002); Sheila S. Blair & Jonathan M. Bloom, *The Art and Architecture of Islam 1250–1800* 187–89 (Yale Univ. Press 1994).

materials, methods, craftsmanship, and attention to detail that the work was made to a higher standard and recognized as an international commodity.²³

VII. COLONIAL TRADE AGE AND THE TRANSFORMATION OF ORIGIN-BASED GOODS (15TH-18TH CENTURIES)

Medieval trade was replaced with early modern trade and with that, a significant shift occurred in both the way goods were exchanged and how origin-based goods were perceived. The slow but steady decline of overland routes (like the so-called Silk Road), accelerated by geopolitical disruptions including the fall of Constantinople in 1453, spurred the European powers to seek more active routes to Asia. This led to the creation of the sea routes by men like Vasco da Gama, whose 1498 journey to India transformed global trading patterns fundamentally. Access to spices, textiles, and other geographically distinctive goods enabled the direct use of maritime routes, which greatly limited dependence on intermediary traders and allowed European powers to control the sourcing and distribution of these goods more directly.²⁴

This was the start of a new age where the location of a new geographical source became incorporated not only into reputations but into an empire's strategy of trade. The emergence of the maritime empires allowed for an institutionalization of monopoly trade activities through chartered companies, such as the British East India Company and the Dutch East India Company (VOC). These institutions had quasi-soft-sovereign powers, which included the power to regulate production, determine prices and regulate export to colonized areas. In the Indian subcontinent, long-established artisanal production systems most dramatically in textiles such as Bengal muslin and Banarasi silk found their

²³ Suraiya Faroqi, *Subjects of the Sultan: Culture and Daily Life in the Ottoman Empire* 130–45 (I.B. Tauris 2005); Robert Finlay, *The Pilgrim Art: Cultures of Porcelain in World History* 23–40 (Univ. of California Press 2010).

²⁴ K.N. Chaudhuri, *Trade and Civilisation in the Indian Ocean: An Economic History from the Rise of Islam to 1750* 64–78 (1985).

way into coercive systems that subordinated indigenous ownership to imperial demands.²⁵

The colonial trade age profoundly reshaped the relationship between locality, production, and reputation in the Global South, laying a complex foundation for the modern regime of Geographical Indications (GIs). Between the sixteenth and nineteenth centuries, European trading powers such as the British East India Company and the Dutch East India Company systematically integrated regions of Asia, Africa, and Latin America into global trade networks. While this integration expanded the international recognition of origin-specific goods such as Indian textiles, spices, and agricultural products—it simultaneously reoriented production systems toward imperial economic interests rather than local autonomy.

Traditional systems of quality control and reputation, which had been maintained through guilds, community practices, and localized knowledge, were gradually undermined. Colonial administrations often standardized production, imposed new trade regulations, and redirected artisanal industries toward mass export markets. This led to the erosion of the intrinsic link between product and place, a core principle underlying modern GIs. For instance, renowned goods like Bengal muslin and Malabar pepper gained global fame, yet their producers were frequently deprived of economic benefits and control over their own reputational capital.

Moreover, colonial trade policies facilitated the extraction and appropriation of indigenous knowledge and resources, a phenomenon that resonates with contemporary concerns over biopiracy. The asymmetrical power structures of colonialism meant that while the Global South supplied geographically distinctive goods, the value addition, branding, and legal recognition were often captured by colonial powers. This historical dislocation has had lasting implications, as many postcolonial states continue to struggle

²⁵ Philip J. Stern, *The Company-State: Corporate Sovereignty and the Early Modern Foundations of the British Empire in India* 45–72 (2011).

for equitable recognition and protection of their GIs within the global intellectual property regime.

Thus, the colonial trade age did not merely expand the circulation of origin-based goods; it transformed their socio-economic context, weakening indigenous systems of protection while setting the stage for modern legal frameworks that seek often imperfectly to restore the connection between geography, culture, and commerce.

VIII. EARLY LEGAL CODIFICATION OF GEOGRAPHICAL INDICATIONS IN 19TH-CENTURY EUROPE

The nineteenth century marked the shift of such geographical indicators from informal reputation-based systems to formal legal codification. European states took their cue from the rise of agricultural and artisanal products and began institutionalizing systems to cover items whose characteristics were naturally related to their place of origin. This stage represented the first systematic attempt to convert the socio-economic value created by origin-based products into legitimate legal rights, particularly as more and more cases of imitation and fraud occurred in expanding industrial markets.²⁶

One of the earliest forerunners of such legal codification is the regulation of Portuguese port wine under the authority of the Companhia Geral da Agricultura das Vinhas do Alto Douro in 1756. This system demarcated the Douro region and imposed strict controls over production, quality, and export, thereby establishing a geographically bounded framework for protecting the reputation of port wine. Although predating the nineteenth century, this regulatory model significantly influenced later European approaches by demonstrating how state intervention could safeguard both quality and origin in commercial trade.²⁷

In France, the development of appellation systems, particularly in the wine sector, further advanced the legal protection of geographical origin. The emergence of what would later

²⁶ Dev Gangjee, *Relocating the Law of Geographical Indications* 23–35 (2012).

²⁷ K.N. Chaudhuri, *Trade and Civilisation in the Indian Ocean: An Economic History from the Rise of Islam to 1750* 78–82 (1985).

evolve into the Appellation d'Origine Contrôlée framework reflected a growing recognition that the quality and reputation of products such as Bordeaux and Champagne wines were inseparable from their terroir. French laws in the nineteenth and early twentieth centuries increasingly emphasized delimitation of production areas, standardization of methods, and prevention of misleading use of geographical names.

The early codification of geographical indications in Europe can be best illustrated with tangible product-based examples, especially in the wine industry. The French wines of Bordeaux and Champagne were central to the evolution of legal protection for origin-based goods as their reputations were being increasingly sullied by imitation as industrial markets expanded. Over time, legal means, introducing in turn territorial delimitation and standards of production, restricted the names so that only wines produced in certain areas under prescribed methods can bear those names. Those actions entrenched the notion that reputation was one and the same as geography and formed the basis of the current system of appellation.

IX. INTERNATIONALIZATION OF GEOGRAPHICAL INDICATIONS (1883–1995)

The period between the late nineteenth century and the establishment of the WTO in 1995 is regarded as the internationalization of geographical indications, turning it from fragmented national protection into multilateral legal governance. This period was prompted by the growth in international trade, the rapid industrialisation process, and the expansion of goods moving from region to region and beyond national boundaries which led to higher possibility of fraud and unfair competition.

With products having the name that identified them into the international markets, the lack of common protection mechanisms led to legal uncertainty and the risk for misuse of origin-based reputations in other countries. The internationalization process unfolded gradually through a series of multilateral agreements, namely the Paris Convention for the Protection of Industrial Property, then the Madrid Agreement for the Repression of

False or Deceptive Indications of Source on Goods, the Lisbon Agreement for the Protection of Appellations of Origin and culminating in the TRIPS Agreement.

A. The Paris Convention (1883): Foundations of International GI Protection

France, and notably Paris, became a preeminent hotbed for modern intellectual property law and a vital space for doctrinal development and international legal collaboration. In the 19th century, Paris grew increasingly important as an industrial, artistic, and commercial center, for which questions of authorship, invention, and commercial reputation became increasingly relevant. Its position as a venue for international exhibitions and diplomatic engagement has also made Paris a cornerstone for international debates concerning the protection of intangibles.

Adopted in 1883, the Convention establishes the principle of national treatment, requiring member states to extend equal protection to foreign nationals. It also introduces the right of priority, allowing applicants to secure protection in multiple countries while retaining the original filing date. The Convention provides limited recognition of indications of source and appellations of origin, and includes safeguards against unfair competition, such as false indications of origin. It thus laid the foundational framework for later developments in international intellectual property law.²⁸

Despite its foundational role, the Convention has significant limitations. Its protection of geographical indications is weak and indirect, focusing mainly on preventing false indications rather than affirmatively protecting the link between product and place. It lacks uniform standards and enforcement mechanisms, leaving implementation largely to domestic laws, which creates inconsistencies across jurisdictions. Additionally, the Convention does not adequately address power imbalances, historically favoring industrialized nations over the Global South, whose origin-based products often remained underprotected.

²⁸ Paris Convention for the Protection of Industrial Property, Mar. 20, 1883, as revised at Stockholm July 14, 1967, 21 U.S.T. 1583.

However, the Convention remains relevant as a cornerstone of international IP law, forming the basis for subsequent agreements like TRIPS and influencing national GI frameworks. Its principles of national treatment and priority continue to underpin global IP governance, even as newer regimes attempt to address its gaps and expand protection for Geographical Indications.²⁹

B. Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods (1891)

The Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods is an international treaty adopted in 1891 and administered by the World Intellectual Property Organization. Unlike the trademark registration system, this Agreement specifically addresses the protection of geographical indications by prohibiting the use of false or misleading indications of sources on goods in international trade.

The Agreement requires member states to seize or prohibit the importation of goods bearing false or deceptive indications regarding their geographical origin. It seeks to prevent unfair competition by ensuring that consumers are not misled about the true origin of products and that producers are protected from fraudulent misrepresentation of their goods.

Although it represents an early step toward international recognition of origin-based protection, the Agreement provides only a limited form of protection. It focuses primarily on repressing false indications rather than establishing positive rights for producers over geographical names. Moreover, its effectiveness is constrained by its relatively narrow membership and the absence of comprehensive enforcement mechanisms.

Despite these limitations, the Madrid Agreement remains significant within the historical evolution of Geographical Indications. It contributed to the gradual development of

²⁹ World Intellectual Property Organization, *Paris Convention for the Protection of Industrial Property (Summary)*, <https://www.wipo.int/treaties/en/ip/paris/>.

international norms by acknowledging the need to regulate misleading use of geographical names in trade, thereby laying groundwork for more robust frameworks such as the Lisbon Agreement and the TRIPS Agreement.

C. Lisbon Agreement for the Protection of Appellations of Origin

The Lisbon Agreement for the Protection of Appellations of Origin is a specialized international agreement that provides for the protection of appellations of origin (AOs) through a system of international registration.

Adopted in 1958 and administered by the World Intellectual Property Organization, the Lisbon Agreement enables member states to secure protection for appellations of origin by registering them internationally. Once registered, the AO is protected in all member countries unless a country explicitly refuses protection within a specified period.

The Agreement offers strong and uniform protection, requiring that appellations be safeguarded against usurpation, imitation, or evocation, even if the true origin is indicated or terms like “style” or “type” are used. It emphasizes the intrinsic link between product qualities and their geographical environment, making it highly relevant to the evolution of Geographical Indications (GIs).

Despite its robust protection, the Lisbon system faces several limitations. Its membership is relatively small, limiting its global reach and effectiveness. The Agreement also adopts a strict definition of appellations of origin, which can exclude products that do not meet its high threshold of geographical linkage.

Additionally, differences in national legal systems, particularly between countries using trademark-based protection and those with sui generis GI regimes create challenges in harmonization. Developing countries may also face administrative and financial barriers in utilizing the system effectively.

D. The Geneva Act of the Lisbon Agreement (2015, entered into force 2020) represents a significant evolution of this framework

It expands the scope of the Lisbon system by extending protection beyond appellations of origin to include Geographical Indications more broadly, thereby making the system more inclusive and adaptable to diverse legal traditions. The Act also permits intergovernmental organizations, such as the European Union, to become contracting parties, enhancing their institutional reach.

A notable development under the Geneva Act is the participation of Global South countries, particularly Cambodia, which became an early contracting party. Significantly, Kampot Pepper was among the first Geographical Indications to be registered under this expanded Lisbon system, marking a milestone in the international recognition of Global South products. This development underscores the growing relevance of the Geneva Act as a multilateral avenue for securing stronger and more uniform GI protection.

Thus, the Geneva Act strengthens the internationalization of Geographical Indications by addressing earlier limitations of the Lisbon Agreement and providing a more accessible and comprehensive framework for countries seeking effective global protection of their origin-based products.

E. The TRIPS Agreement (Agreement on Trade-Related Aspects of Intellectual Property Rights)

The TRIPS Agreement (Agreement on Trade-Related Aspects of Intellectual Property Rights) is the most comprehensive international framework governing intellectual property, including Geographical Indications (GIs).

Adopted in 1994 under the World Trade Organization, TRIPS establishes minimum standards of protection for various forms of intellectual property across all member states. It formally recognizes Geographical Indications and defines them as indications identifying goods as originating from a territory where a given quality, reputation, or characteristic is essentially attributable to that origin.

TRIPS mandates member states to provide legal means to prevent the misuse or misleading use of GIs, with enhanced protection for wines and spirits under Article 23. Unlike earlier treaties, it integrates GI protection into the global trade system, making compliance enforceable through WTO dispute settlement mechanisms.³⁰

Despite its significance, TRIPS face several challenges. It creates a hierarchical system of protection, granting higher protection only to wines and spirits, which has been widely criticized by developing countries. The Agreement also allows flexibility in implementation, resulting in diverse national approaches (sui generis systems vs. trademark-based protection), leading to inconsistency in enforcement.

Furthermore, TRIPS reflects power asymmetries between developed and developing countries, with concerns that it inadequately protects traditional knowledge and Global South products. Issues such as biopiracy, misappropriation, and lack of benefit-sharing remain inadequately addressed.

Nevertheless, TRIPS remains highly relevant as it provides the first binding and enforceable global framework for GI protection, significantly shaping domestic laws (such as India's GI Act, 1999) and ongoing international debates on expanding and strengthening GI protection.³¹

X. FROM TRADE ROUTES TO TREATY REGIMES: THE HISTORICAL CONSOLIDATION OF GEOGRAPHICAL INDICATIONS

Notwithstanding the legal developments that we have in our past, it suggests that the safeguarding of items based on origin was not formed by legal novelty but developed organically over hundreds of years, over centuries passed in terms of trade, social organization and economic change. In its earliest incarnations along transcontinental

³⁰ Agreement on Trade-Related Aspects of Intellectual Property Rights, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1C, 1869 U.N.T.S. 299.

World Trade Organization, *TRIPS Agreement Overview*,

³¹ World Trade Organization, *TRIPS Agreement Overview*,
https://www.wto.org/english/tratop_e/trips_e/trips_e.htm.

trade networks like the Silk Route, the price of goods was also based on their place of origin, with reputation serving as an informal, quasi-legal governing act. Merchants and consumers simultaneously depended on knowledge systems that were geographically embedded, in which the identity of products, be they spices, textiles or artisanal items, was not separate from the regions where they were made. This history shows that while the logic of GIs is not one of law, it is rather through trust, reputation, and continued commercial engagement. This informality was crystallized during medieval Europe of the guild systems and artisanal institutions in the Global South. Together, these institutions-controlled quality, methods of production and geographical names, thereby reifying the nexus between product and location.

Although guild regulations were not defined in modern juridical language, they also embodied fundamental principles of GI such as a sense of community, uniformity and protection against misrepresentation. Meanwhile, parallel systems, in India and the Middle East for that matter, supported by royal patronage and regional economies, prove that origin-based protection was not entirely European but rather a multiform global practice influenced by different socio-economic circumstances. Transition to the early modern maritime and colonial trade system severely disrupted this organic evolution.

The collapse of overland trade routes and the rise of sea-based empires helped to shift the governing of origin-based goods away from community-based systems and toward imperial economic systems. Chartered companies and monopolistic practices by colonial powers plucked, re-branded and commodified products from the Global South, cutting off the inherent connection between producers and their products. And this phase, and its consequences, represent a pivotal rupture in GIs, as reputation was no longer a local one but instead part of a global capitalist network, generally with neither credit nor attribution. This disruption has deep effects on the epistemic and economic basis of current debates on GI protection. In the 19th century, the first efforts were made to legally establish protection for origin-based goods in Europe. National laws of all types of wines, spirits, and regional products established the formal recognition of local identity in trade.

To protect reputations in increasingly competitive markets, legal doctrines were established such as the “authenticity and origin.” Yet at the same time, these early codification strivings were fundamentally selective, centering mainly around goods of commercial significance to European countries and thus etching an institutional bias in the nascent legal landscape.

The internationalization of GI protection followed thereafter in, for example, the Paris Convention for the Protection of Industrial Property, the Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods, the Lisbon Agreement for the Protection of Appellations of Origin and, finally, the TRIPS Agreement, is an incremental and disparate effort to translate these national customs into some kind of universal law. All of these instruments made gradual contributions– Paris by proposing elementary doctrines, Madrid by enhancing the mechanisms of legal protection against fraud, Lisbon by creating appellations of origin as fundamental proprietary rights, TRIPS by establishing universal minimum norms in the multilateral trading system. But this process of internationalisation was not as straightforward nor as neutral. Geopolitical power balances, economic needs, and rival legal philosophies had moulded it. An underlying tension between harmonization and diversity, protection and access, is evident through the resultant framework. The international regime managed to acknowledge geographical indications as a valid form of intellectual property but also echoed historical asymmetries (the tendency for certain products/regions to predominate over others).

The plight of the Global South, whose history of colonial exploitation, belated recognition and structural barriers show the limits of an understanding that crystallized primarily outside their agency. The historical development of geographical indications, at bottom, points directly to one of the fundamental changes that characterize this field: from informal, community-based registration for reputation, through to formal mechanisms of state-derived knowledge and resources, intellectual property protection. It had broadened, and at the same time transformed, the content and effectiveness of GI

protection while generating additional complications, such as matters of equity, representation and protection of cultures. The transition from the Silk Route to TRIPS, then, represents both perpetuity and rupture, as deeply rooted social and economic practices were progressively moulded into legal norms in a globalised world. This historical base lays the framework for the next stage for the development of current geographical indications that seek to make the limitations of older standards visible. This focuses on inclusivity, sustainability and the rights of the producer communities' signals that we are moving away from past frameworks of GI protection to one that is more globally aligned or adaptive. Its shift from a historical evolution to that of the latter cannot be said to be a conclusion but is a continuing process of legal and normative reformation.³²

XI. CONTEMPORARY REVOLUTIONS OF GEOGRAPHICAL INDICATIONS: THE GLOBAL SOUTH'S RECLAIMED GI SAGA

The current phase of the development of geographical indications is a significant departure from previous trends in protecting the latter from false representations and is instead about much more expansive and dynamic constructions such as development, identity, sustainability, and global economic strategy. With the institutionalization of minimum requirements under the TRIPS Agreement, geographical indications now have a vital place in the international intellectual property realm where they are not only used to protect products created by origin but also to actively shape patterns of trade and cultural recognition.

Whereas in the former phases GIs were both ad hoc as a result of trade, in favour of narrow definitions within the context of Eurocentric legal arrangements, in the latter phase there has been a progressive expansion of them in terms of product categories and socio-economic goals. This latter phase becomes notable as the importance of GIs to rural development and economic empowerment gains traction. It is not that governments

³² Graeme B. Dinwoodie & Mark D. Janis, *Trademark and Unfair Competition Law and Policy* 1020–23 (5th ed. 2018).

especially in developing countries have moved away from promoting GI registration as a “good” even only as a way to raise the market value of traditional products, to support local livelihoods, and to prevent the flight of rural dwellers.

The extension of GI protection has fueled discussions on topics like generic provisions, market access, and trade-offs between protection and competition. Differences between different legal traditions (especially differences between GI-centered regimes and trademark-based ones) have continued to determine the process of international discussions. In fact, the gains from the GI protection are not provided equitably; issues of governance, how to distribute gains, and how to include communities in benefits still matter in achieving community’s real gain from the commercialisation of their commodities. Indeed, the modern development of geographical indications is indicative of a broader process, a trend toward a pluralistic and contested global regime in which different actors in this system-state, community, producer, and international organizations interact to reconfigure the meaning, and what is meant by origin-based protection. It represents a move from an historically imbalanced system to one that is, however insufficiently, an aspiration towards greater inclusivity and balance. So, this phase can best be understood, then, not in terms of an endpoint, but as part of an ongoing reconfiguration and negotiation process in which the Global South increasingly assumes a crucial, more assertive role in determining the future of geographical indications.

Today's revival of geographical indications is vividly represented by various product categories demonstrating the rich cultural and ecological richness of the Global South. In India, products like Banarasi Saree, Kinhal Toys, Pichwai Painting, and Alphonso Mango illustrate how artisanal crafts and agricultural products have been refashioned as legal products within the new legal framework. Outside India, internationally recognized GIs such as Kampot Pepper are examples of how region-specific agriculture is protected within the Global South. Emerging or possible GIs like Nepalese Buddhist Thangka Paintings and Korla Fragrant Pear demonstrate an ongoing effort to obtain recognition for culturally significant products that were historically outside the purview of official

protection. Likewise, Persian Carpets encapsulate deep-rooted customs in which geographical character, craftsmanship, and reputation coalesce until a world-renowned product is manufactured. Together, the cases demonstrate the increasing focus of GI protection in the current period, extending beyond agricultural products to handicrafts, art, and cultural items, which continue to serve as tools for heritage protection and for economic improvement, in line with the GIs.³³

A. Banarasi saree: a legacy that weaves Indian culture with artisanal creativity

Call it Banaras, Benaras, Kashi or Varanasi; the timeless city of Lord Vishwananth (Lord Shiva) breathes through culture, art, culinary delights, a unique perspective of living and the very philosophy of life itself. On one hand the city celebrates life through its festivals such as Holi, Mahashivaratri, Dev Deepawali and many more. Whereas on the other ends of the ever-burning ghats of Ganga, it breathes through death itself. As the shores of Ganga never saw a single day without innumerable funeral pyres burning with the setting sun. Banaras traditionally derives its name from the two ancient rivers of Bharat, Varna and Asi. And the place that becomes the meeting point of these two sisters is Varanasi, called Benaras on times.

Amidst all the congested streets, jolly humans, Aghoris, dogs that are worshipped as mounts of the divine, street food, diyas flowing with Mother Ganga's course, tourists, foreigners stepping over cow dung yet smiling from heart, there dwells an age-old legacy of India, i.e the Banarasi Saree. It is one of the most well-known examples of the emerging resurgence of geographical indications in India and is seen as an example of how geographical identity interacts with traditional craftsmanship and cultural heritage. This fabric has its origins in Varanasi, which has ancient textile traditions that thrived in the years of a royal period, and spread through generations as craftsmanship was inherited from generations of the people. They make Banarasi sarees not just look very nice which contain fine silk, intricate zari work, and symbols inspired by the Mughals themselves

³³ Graeme B. Dinwoodie & Mark D. Janis, *Trademark and Unfair Competition Law and Policy* 1020–23 (5th ed. 2018).

but also have highly localized knowledge systems and socio-cultural environment that support the production of such sarees.³⁴

The Banarasi Saree, originating from Varanasi and surrounding regions such as Azamgarh, Chandauli, and Mirzapur, is one of India's most celebrated Geographical Indications. Known for its luxurious silk fabric and intricate brocade work using gold and silver zari, the saree is distinguished by elaborate motifs such as *kalga*, *bel*, *jal*, and *butidar*, many of which reflect strong Mughal artistic influence. The production process is highly skilled and labor-intensive, involving stages like design creation, dyeing, thread preparation, and handloom weaving, often taking weeks or even months to complete a single piece.

Historically, the Banarasi saree flourished during the Mughal period, when Persian aesthetics blended with Indian textile traditions, elevating it into a symbol of elegance, status, and cultural identity. It has long held a central place in Indian rituals, particularly in North Indian weddings, where it is regarded as essential bridal attire. The craft has been preserved across generations by specialized weaving communities, making it not only an economic activity but also a repository of traditional knowledge and cultural heritage.

The saree received Geographical Indication status in 2009 under the Geographical Indications of Goods (Registration and Protection) Act, 1999, ensuring that only products produced within the designated region using recognized methods can be marketed as authentic Banarasi sarees. This legal protection seeks to prevent counterfeiting and unauthorized use of the name, thereby safeguarding both the reputation of the product and the livelihoods of artisans. Economically, the Banarasi saree industry sustains thousands of weavers and associated workers and contributes significantly to the regional economy and textile exports.

³⁴ Geographical Indications Registry, Government of India, *Banaras Brocades and Sarees* (GI Application No. 99, Registered 2009).

Despite its prominence, the industry faces serious challenges, including competition from cheaper powerloom imitations, declining incomes among weavers, inadequate enforcement of GI protections, and shifting consumer preferences toward synthetic and modern fabrics. Nevertheless, the Banarasi saree continues to remain highly relevant, with renewed efforts through government initiatives, digital platforms, and designer collaborations aimed at reviving and sustaining this traditional craft. Its GI status thus plays a crucial role not only in protecting authenticity but also in preserving cultural heritage and promoting economic resilience in the Global South.

B. Alphonso Mango; the king of fruits and a gift of Konkan

As soon as we hear the name “Alphonso”, nostalgic childhood memories of summer vacations, stains of joy over clothes and face, a rich and juicy fragrance paired with a lush orange and yellowish feast fills our hearts with joy, memory and comfort. Even the major festivals of Maharashtra and Gujarat such as Gudi Padwa, Akshay Tritiya await the arrival of the rightly called the “King of the fruits” i.e Aapus or Alphonso mango. The fruit and especially its alphonso variety is such a delight feast of flavour that it is used to make signature indian dishes like Aamras of Maharashtra and Gujarat or Sheekarni of Karnataka, Shrikhand; a sweet mango flavoured yogurt that has its origin from the Mahabharata, Mango Laasi which is relished all over india and even abroad, Desi version of Mango Jam made by our grandmothers that keep us delighted year long, or just raw and fresh pieces of it enjoyed in the scorching heat. The fruit is appropriately named as king as it carries not just a distinct flavour and aroma, but it derives its sweetness from the rich Indian soil and hardwork of the cultivators.

The cultivation of Alphonso mango is inextricably linked to the exclusive ecological landscape of the Konkan coastal belt, which comprises the districts of Ratnagiri, Sindhudurg, Raigad, Palghar, and Thane in Maharashtra. It is a narrow area between the Western Ghats and the Arabian Sea, making it an agro-ecological zone of mango cultivation. Below, the soils are mainly lateritic that has developed after a long time when

basalt rock was exposed to weathering, and it has high iron and minerals, but is naturally porous.

This porosity allows well-draining for water to avoid stagnation due to the heavy monsoon season, allowing for deep root penetration. The fruits are significantly shaped by the sea as such influence by the Arabian Sea plays a pivotal role. The mango's peculiar flavour is also developed due to its constant exposure to mild salinity-rich humid sea breezes. Unlike inland areas, temperature fluctuation in Konkan is moderate, not to an extent that would place extreme stress on the crop. Monsoon rainfall (2,500–3,500 mm annually) replenishes soil moisture and groundwater, followed by a significant dry range, which is important for the flowering cycle.³⁵

Despite its broad recognition around the world, the Alphonso mango sector today faces a complex set of challenges that threaten sustainability in the long run. One of the biggest problems facing farmers today is climate change, with growing cases of unseasonal rain, temperature fluctuations, and extreme weather events disrupting flowering cycles and reducing yields. As a crop that does so, Alphonso mango is vulnerable and therefore very in need of help. The second problem is a continuation of counterfeit mangoes, where non-authentic mangoes are sold under the name Alphonso.

Loose enforcement standards and consumer ignorance foster the continuation of this practice while nullifying the purpose of GI protection. Moreover, fractured supply chains and dominance from middlemen often lead to uneven sharing of gains with farmers accounting for relatively little of the total market value. Infrastructure limitations, such as poor cold storage, inefficient transport networks and limited export facility access, additionally impede the expansion of the sector. Smallholder farmers face additional obstacles from adherence to standards worldwide and international protocols, notably phytosanitary restrictions and residue limits. Of particular concern is the waning support by the younger generation towards mango farming. Youth staying in agriculture is discouraged by the long gestation period of trees and dependency on erratic climatic

³⁵ GI Registry, *Alphonso Mango*, GI Application No. 270, Registered 2018 (India).

conditions and comparatively low returns compared to urban job opportunities. GI recognition has raised the fruit's prestige and market visibility but has not dealt well with these structural disincentives.³⁶

C. Kinhal Toys; wooden artifacts that sing the glories of the past

The dry plains and the fertile black soil of the Northern suburbs of Karnataka carry an age-old and rich legacy of art, creativity, culture, human life ideals carried through folk songs, extreme heatwaves but equally warm hearts, cold breeze passing through sugarcane fields, the aroma of jaggery and mango leaves, festivals like Naga Panchami and Bhogi bring a sense of comfort and joy of the maternal haven and comfort. Karnataka has always been a coven of significant GI revolutions such as Mysore sandalwood products, the world-famous Ilkal saree, Khun fabric of Guledgudda, Byadagi chillies, Mysore silk, Kasooti embroidery and so on. One such artifact is wooden toys made in the Kinhal region of North Karnataka, which has emerged as a unique manner of storytelling and introducing culture and moral values to the younger generations.

The production of Kinhal toys is located by nature in Kinhal village, Koppal district, Karnataka that lies within the Deccan plateau region. Whereas in agrarian GIs soil and climate directly affect product characteristics and product design and packaging (Bharani et al., 2017), the unique nature of Kinhal toys stems from a localized socio-cultural landscape, influenced by historical patronage, temple economies, and artisan guild-type structures. It faced semi-arid terrain with poorly exploited agriculture and developed specialized crafts as an alternative economic strategy. Kinhal toys have their roots in the Vijayanagara Empire (14th–16th centuries), especially during the regime of Krishnadevaraya, during which art, architecture and craft production were developed by the rulers, especially with the assistance of the kingdom.³⁷

³⁶ GI Registry Chennai, *Registered GI Details: Alphonso (Hapus)* (2018).

³⁷ GI Registry, *Kinhal Toys*, GI Application No. 80, Registered 2010 (India).

Kinhal Toys production is an intricate and complex series of phases containing material science, creative and artistic finesse. The company's most important raw material is *Wrightia tinctoria* (also known as hale mara), as it is a light wood with a fine and soft surface, as well as excellent carvings and resistance to cracking. Choosing wood is itself a job which involves meticulous knowledge of the age of the trees, the moisture in their bark and its seasonal timing in order to have the best quality wood. First, they cut it themselves, carving the wood using chisels and knives for carving its basic shapes. The process isn't so mechanized, so there can be variations and personalizations, reflecting what an individual craftsman might be able to do. While the toys are carved, they go through a special process of making up, using "chittam", an exclusive blend of tamarind seed paste, chalk powder and organic binding agents.

It is believed that scientifically, this coating serves as surface stabilizer, causing micro-pores to settle down in the wood and providing a smooth canvas for painting to be laid on with a great effect. There's no cheap material available for this construction though. Chittam application is something of a skill in use, as the use of a chittam tool is to be done a few times and gently dried in order not to cause cracking or uneven surfaces. The surface is then hand-polished using natural abrasives and it becomes a consistent uniform surface finish after being painted.³⁸

Craftsmen once dependent on steady local markets were further disconnected, given that they had few options for wider commercial networks. This was compounded by lack of branding, standardization and institutional support, gradually relegating the craft to near-oblivion. But the GI registration of Kinhal Toys in 2010 was a game-changing breakthrough, ensuring formal recognition and a framework for protection. But GI registration is a much more complex act than mere legal protection; it is also a symbolic reassertion of the craft's cultural and commercial value. This change, in establishing a product's legal status, reorders Kinhal toys within the global discourse on heritage and authenticity, in the eyes of niche markets (collectors, institutions and tourists), due to the

³⁸ Office of the Development Commissioner (Handicrafts), *Traditional Toys of Karnataka* 20–24 (2016).

associated status on the basis of locality attached with the GI tag. After the GI, demand gradually shifted to a second shift, especially in the form of state-directed exhibitions, handicraft fairs and access to handicraft fairs, as well as the participation in heritage tourism circuits situated throughout Hampi. Digital marketplaces and e-commerce platforms are being reached by some artisans, extending the role of artisans from the domestic market to reach a much greater market. However, this revival is still underdone in terms of scale and distribution, many craftsmen and artisans still struggle to earn a living.

The Kinhal Toys represent an interesting case of how geographical indications have symbolic properties and encompass not only agricultural materials but also the intangible culture of the artisan craft knowledge system and are relevant in such a contemporary setting. They go from royal patronage under the Vijayanagara Empire, are now almost extinct, back to production at an accelerated rate, and appear to reflect more generalized shifting patterns through Global South traditional crafts. GI recognition has established a legal protective system for cultural preservation; however, its impact is contingent on other complementary interventions such as market development, institutional support, and community empowerment.

D. Kampot Pepper of Cambodia; the empress of spices

Kampot Pepper is cultivated in the southern provinces of Kampot and Kep in Cambodia, a region defined by its unique coastal-agricultural ecosystem. The area benefits from a combination of quartz-rich loamy soil, tropical climate, and proximity to the Gulf of Thailand, which together create highly favorable conditions for pepper cultivation. Unlike large-scale plantation agriculture, Kampot pepper is grown in relatively small farms, where microclimatic variations including sea breezes, humidity levels, and seasonal rainfall play a crucial role in shaping the spice's distinctive characteristics.

The region experiences a tropical monsoon climate, with a pronounced wet season followed by a dry period that is essential for the maturation and concentration of flavour compounds in the pepper berries. The soil's mineral composition, combined with careful

water management practices, contributes to the development of pepper with complex aromatic profiles and balanced pungency. This close interaction between natural conditions and human cultivation techniques forms the basis of Kampot pepper's geographical identity, making it a classic example of terroir-driven agricultural production.³⁹

Kampot pepper gained international popularity as a premium spice, especially among chefs and culinary enthusiasts. Its status is also bolstered by its connection to French colonial trade, where it was exported to European markets and was considered one of the finest peppers in the world. Although the sector suffered a decline during periods of political turmoil in Cambodia, the trade grew to a high status in the last few decades.

The increasing popularity of Kampot pepper is driven by the international demand for high-quality food products that are traceable and ethically produced. It has been extensively adopted in high-end dining and gourmet cuisine, where the flavour profile is highly prized. To preserve the authenticity of the pepper and to avoid its misuse on the market, Kampot Pepper became a GI-compliant product in Cambodia in 2010,⁴⁰ and was the country's first GI-compliant

product. It finally gained EU GI protection in 2016⁴¹, greatly increasing its presence in the international market. This legitimised the product vis-à-vis its geographic origin thereby providing legal protection against infringement and allowing it to rise to the top as a prominent agricultural product.

The Kampot pepper industry faces some problems. Traditional, small-scale farming and a special focus on traditional methods pose a serious concern regarding the production capacity. As a result, while this guarantees quality, it also limits the ability to meet growing global demand. Climate variation is another key threat where rainfall rates or temperature can have a major impact on crops' productivity but also quality. There is

³⁹ FAO, *Strengthening GI Products in Cambodia: Kampot Pepper* 14–18 (2018).

⁴⁰ Ministry of Commerce (Cambodia), *Kampot Pepper GI Registration*, Registered 2010.

⁴¹ European Commission, *Kampot Pepper (PDO)*, Registered 2016 (EU).

competition from cheaper, mass-produced pepper varieties, which dominate global markets but lack the distinctive qualities of Kampot pepper. Then, there are also the difficulties of market access and certification, since maintaining GI standards requires compliance with strict production and processing guidelines. The small-scale farmers are burdened by the cost and administrative burden of certification.

Kampot Pepper represents a compelling example of how geographical indications can be leveraged to revive traditional agricultural systems and integrate them into global markets. Its success demonstrates the potential of GI protection in enhancing product value, ensuring quality, and promoting sustainable farming practices. At the same time, it highlights the challenges of balancing authenticity with scalability, particularly in the context of increasing global demand. As a flagship GI product from Cambodia, Kampot pepper underscores the broader narrative of the Global South's efforts to reclaim and protect its unique agricultural heritage, positioning it within a competitive international landscape while preserving its cultural and ecological integrity.⁴²

XII. GLOBAL CHALLENGES CONFRONTED BY THE INTERNATIONAL GI REGIME

The modern-day aspect of geographical indications at the international level is drastically evolving with the introduction of values like sustainability, inclusivity, socio-philosophical elements and cultural identity. However, several limitations also emerge in response to such global ideals which are discussed below:

- 1. Fragmented International Protection:** Despite TRIPS' minimum standards, GI protection remains fragmented in territorial scope. Protection varies from domestic laws, bilateral agreements, or regional systems, meaning the recognition and rules may not be uniformly applied to producers seeking to compete in global markets.

⁴² Cambodian Pepper Promotion Association, *Kampot Pepper Standards and Production Guide* 6–9 (2019).

- 2. Two-Tier Protection under TRIPS:** TRIPS gives a differentiated regime by protecting only wines and spirits under Article 23; the protection of other products is limited under Article 22. This hierarchy mirrors past European interests and persists in dismissing agricultural and artisanal products from the Global South. A significant attempt to address this imbalance has emerged within the framework of the Doha Development Agenda, particularly under Article 23.4 of the TRIPS Agreement, which mandates negotiations on extending the higher level of protection to all Geographical Indications. Developing countries, including India and several members of the European Union, have consistently advocated for such extension on the ground that equal protection would enhance market access and prevent misappropriation of non-wine GI products. However, countries such as the United States and Australia have opposed this proposal, arguing that it may disrupt existing trademark systems and create additional trade barriers. This persistent deadlock has stalled meaningful reform, thereby continuing the structural inequality within the international GI regime and limiting the effectiveness of protection available to Global South producers.
- 3. Conflict with Trademark Regimes:** GIs often conflict with prior trademarks. Where geographical terms have been registered as trademarks in importing countries, courts and trade bodies find it difficult to resolve disputes over collective GI rights while establishing a system based on exclusive trademark claims.
- 4. Genericisation of Geographical Names:** Several geographically evocative names have been rendered generic in some jurisdictions by their prolonged misuse over many years (e.g., “cheddar,” “basmati” debates). Once a term has been deemed generic, regaining GI protection becomes legally and politically fraught with difficulty.
- 5. Enforcement Difficulties in Digital Trade:** The misuse of GI has also been increased by e-commerce websites and cross-border digital marketplaces characterized by misleading descriptions and online free-riding. Weak monitoring

systems and jurisdictional restrictions are limitations to effective enforcement in the digital economy.⁴³

XIII. SUGGESTIONS AND RECOMMENDATIONS

Geographical Indications must evolve beyond their traditional focus on wines and spirits to more fully include Global South handicrafts, textiles, and artisanal products grounded in local knowledge systems. Greater recognition should be accorded to intangible cultural practices, including traditional skills, methods of production, and community-based heritage, as well as prepared and cooked foods whose identity is inseparable from regional culture. Harmonisation of international frameworks such as the TRIPS Agreement and the Lisbon Agreement for the Protection of Appellations of Origin is necessary to create uniform standards, reduce fragmentation, and strengthen cross-border enforcement.

At the domestic level, institutions like the GI Registry should play a proactive role in simplifying registration procedures, increasing awareness among artisan communities, ensuring effective enforcement against infringement, and facilitating market access through branding and digital platforms. Capacity-building initiatives, financial support, and legal literacy programs are equally vital for empowering producers.

XIV. CONCLUSION

This study demonstrates that Geographical Indications have evolved from informal, reputation-based systems rooted in historical trade networks into formal legal mechanisms embedded within the global intellectual property regime. It highlights that, despite their transformative potential, existing international frameworks continue to reflect structural asymmetries that disadvantage Global South producers. A more inclusive and balanced approach to GI protection is therefore essential. Strengthening

⁴³ Christopher Heath & Anselm Kamperman Sanders eds., *Intellectual Property Law and Policy in Asia* 210–15 (2009); Laurence Bérard & Philippe Marchenay, *Local Products and Geographical Indications: Taking Account of Local Knowledge and Biodiversity* 95–100 (2006); Dwijen Rangnekar, *Geographical Indications and Localisation: A Case Study of Feni* 12–18 (UNU-INTECH Working Paper 2004).

governance mechanisms, ensuring community participation, and fostering international cooperation can enable GIs to function as effective tools for cultural preservation, economic equity, and sustainable development in the contemporary global order.

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