

Geographical Indications: Trend Analysis of India and Comparative Analysis of Asian Countries

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ABSTRACT

Intellectual Property Rights have gained popularity in today's world. It has now become an area of public interest. Each and every country is making efforts to encourage and promote the concept of Intellectual Property Rights to protect the unique inventions and skilful ideas having industrial applications. Copyrights, Trademarks, Industrial designs, Patents, Trade Secrets, Geographical Indications and Semiconductor Chips and Integrated Circuits are the different types of Intellectual property rights that provide protection to work of various fields like science, literature, art, software development, agriculture, business etc. The present study is an attempt to analyse the trend of Geographical Indications (GIs) in India and to compare the geographical indications of Asian countries. For the analysis secondary data has been collected from the annual reports on IPRs. For trend analysis of India data have been collected from the website of Intellectual Property India covering the period from 2010-2018. For comparative analysis of Asian countries, data have been collected from the website of World Intellectual Property Organisation. In the analysis, it is found that GIs registration is increasing in India but at a slow rate. In comparative analysis it is found that China is leading in total number of GIs registration among the Asian countries till 2018.

Keywords: *Intellectual Property Rights, Geographical Indications*

Introduction

Intellectual Property is the human creativity, an innovative or a skilful and unique idea. It is an asset that can be bought, sold, mortgage, licensed, and exchanged like any other property. Intellectual Property Rights (IPRs) refers to the legal rights related to creative and skilful work in execution of ideas. It provides right to protect the new creation of the human mind or say human intellect. It is becoming a necessity nowadays to protect the Intellectual Properties to prevent it from unauthorised user and in the business world, it provide an edge over competitors. Intellectual Property Rights are protected only when it is capable of industrial application i.e. it is made available to public to use it and help the creators to earn profit from them as economic incentive. Intellectual efforts in the field of Literature, Artistic, Engineering, Technology, Science, Manufacturing, Business, Agriculture etc. gives rise to certain Intellectual Property Rights.

Types of IPRs

There are different types of Intellectual Property Rights which are as follows:

- Copyrights
- Trademarks
- Patents
- Geographical Indications
- Industrial Designs
- Trade Secrets
- Semi conductor chips and Integrated Circuits

Geographical Indication

Geographical Indication is an emerging field of Intellectual Property. It is an indication that identified goods as agricultural goods, natural goods and manufactured goods and its origination. It may be name or mark that suggests origin of goods. It should have special quality or reputation or other special characteristics. Geographical Indication comes into existence with inclusion of TRIPs Agreement. The protection of Geographical Indication is provided for a period of 10 years in India. Renewal is possible for other 10 years. If it is not renewed then protection of Geographical Indication will be removed from the register of Geographical Indication.

Geographical Indications are granted generally for traditional products produced by marginal and rural communities from generation. These products have gained reputation at local, national and international level due to specific and unique qualities. Such protection helps the producers to maintain these specific qualities of the product due to which the

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reputation is built. As per Article 22.1 of the TRIPs Agreement, Geographical Indications refers to “*Indications which identify a good as originating in the territory of a country, or a region or locality in that territory, where a given quality, reputation or other characteristics of the goods is essentially attributable to its geographical origin*”. Examples of Geographical Indications in India are: Darjeeling Tea of West Bengal, Kullu Shawl of Himachal Pradesh, Mysore Agarbathi and Mysore Silk of Karnataka, Bikaneri Bhujia of Rajasthan, Gadwal Sarees of Telangana etc. Considering all these aspects, the present study is conducted to know the scenario of geographical indications in India as this concept has not gained much importance as compared to other countries. There is a need to study the trend of GIs to know where India stands among the GIs registration.

Literature Review

Agarwal et al., (2005) described about Geographical Indication branding strategies and its benefits and pitfalls of using it. The research paper “Emerging issues for Geographical indications” focused on trademark issues that adopt geographical indications trademark as competitive advantage and protect the rights associated with it in order to sustain the source of competitive advantage.

Das (2006) explained about the Geographical Indication and the need behind their legal protection. It also discussed the TRIPs provisions of the Indian geographical indications and undertook an analysis by comparing provisions with the corresponding provisions of the Indian geographical Indications Act. It also discussed about negotiating history of the Uruguay Round in order to find the roots of the TRIPs provisions on Geographical Indications.

Tiwari et.al, (2011) elaborated the concept of Intellectual Property Rights, its related aspects in detail i.e. Patents, Trademark, Copyright, Trade Secrets, Utility Model, Geographical Indication, Industrial Design Rights along with their protection criteria in research paper “Management of Intellectual Property Rights in India: An Updated Review”.

Kangabam (2013) provided an Overview and Importance of Geographical Indication on the traditional products under the Indian Geographical Indication and also provided awareness among the people on the importance of it in social upliftment for rural development. The study highlighted the present status of the Geographical Indications registration in India and general information for filing a Geographical Indications.

Shafiulla (2013) aimed to find out the benefits and challenges of Geographical Indications certification for different products (Agricultural,

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Natural and Manufactured goods) in Indian context. The main aim was to understand the term Geographical Indication in Indian Context. It also identified the difference between Geographical Indications and Trademarks in the research paper “Protection of Geographical Indications in India”.

Laskar (2013) discussed the principles of passing off and infringement action under Trademarks Act 1999. It provided elements to be proved for passing off action, the remedies available and the defences available in case of trademark violation in detail. It also discussed about various factors that had to be considered in case of passing off and infringement action along with judicial pronouncement given by Indian courts.

Rao (2014) highlighted the term Intellectual property rights in India and their trends during 2003-13 by comparing granted Patents and its revenue with designs and trademark. The data had been collected from the annual reports on Intellectual Property Rights. It studied the importance of patents in India and focused on patents granted in various fields such as Chemical, Mechanical, Food, Biotechnology etc. during 2003-2013. It also provided the strategies for patenting.

OBJECTIVE OF THE STUDY

The main objectives of the present study are as follows:

- To analyse the trend of Geographical Indications in India
- To compare the status of Geographical Indications in Asian countries.

RESEARCH METHODOLOGY

The present study is descriptive in nature. It is undertaken to analyse the geographical indications' trend in India and to undertake comparative analysis of Geographical Indications in Asian Countries. Secondary data has been collected from website www.ipindia.nic.in for the period of eight years from 2010-2018 and www.wipo.int.

FINDINGS AND INTERPRETATIONS

Trend Analysis of GIs in India

To analyse the trend of Geographical Indications in India data regarding the number of applications filed and number of applications registered in each year has been taken. The registration percentage has been calculated that shows the proportion of applications that are registered among the applications filed. Goods wise distribution of Geographical Indication registration has also been done.

Following is the trend analysis of geographical indications in India from year 2010-2018:

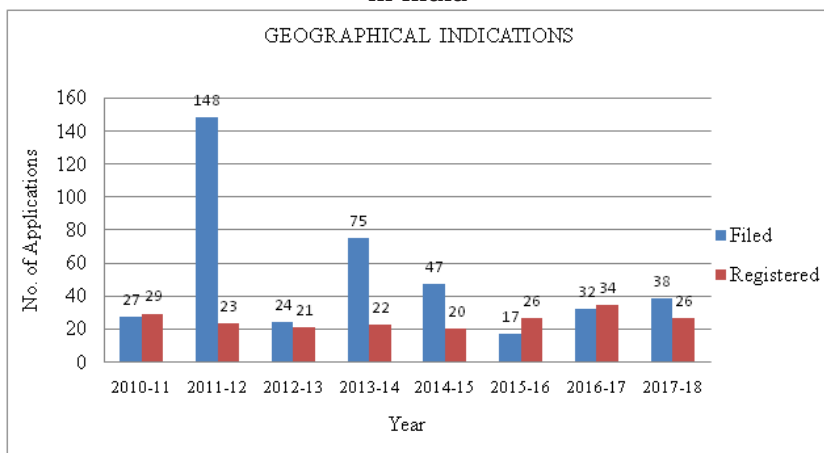
Table 1: Trend of Geographical Indications applications filed/ registered from year 2010-2018 in India

Year	Filed	Registered	%Registered
2010-11	27	29	107.41
2011-12	148	23	15.54
2012-13	24	21	87.50
2013-14	75	22	29.33
2014-15	47	20	42.55
2015-16	17	26	152.94
2016-17	32	34	106.25
2017-18	38	26	68.42
Total	408	200	49.26

Source: www.ipindia.nic.in

The above table 1 indicates the trend of geographical indications in India for eight years from 2010 to 2018. It shows the number of applications filed and number of applications registered for geographical indications in eight years. The maximum number of applications are filed in year 2011-12 i.e.148 against which 23 applications for geographical indications are registered that is 15.54 percent of applications filed and the minimum number of applications are filed in year 2015-16 i.e. 17 against which 26 applications were registered. In year 2016-17 maximum numbers of applications are registered i.e.34 and in year 2014-15 minimum numbers of applications are registered i.e. 20. The total number of applications filed and registered for the eight years are 408 and 200 respectively. It is found that 49.26 percent of total applications filed are registered. In years 2010-11, 2015-16 and 2016-17 number of applications registered are more than the applications filed as it might include previous pending applications.

Figure 1: Graphical Representation of Trend of Geographical Indications applications filed/registered from year 2010-2018 in India



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Figure 1 shows the graphical representation of applications filed and registered for geographical indications in India from period 2010 to 2018. It is clearly seen that in year 2011-12 highest number of applications are filed in respect of geographical indications and in year 2015-16 lowest number of applications are filed. It is depicted that number of applications filed and registered for geographical indications shows an increasing trend at slow rate in the given years as in few years it has risen and in few years it has fallen.

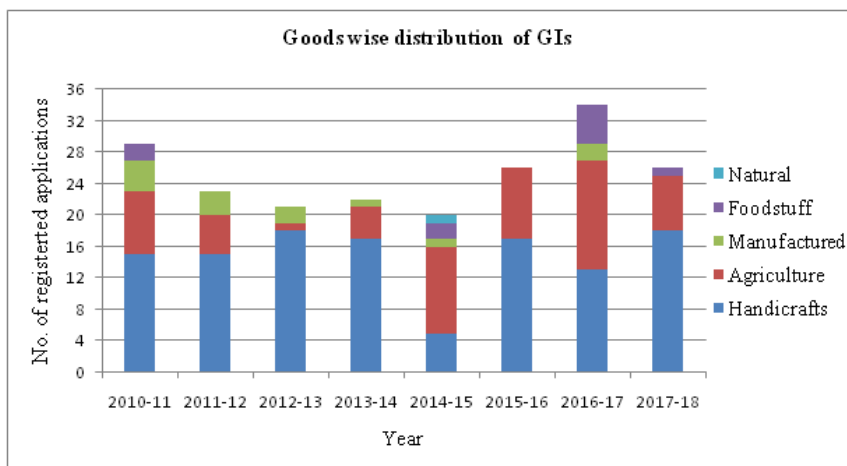
Table 2: Goods wise distribution of Registered GIs in India from 2010-2018

Year	Handicrafts	Agriculture	Manufactured	Foodstuff	Natural
2010-11	15	8	4	2	0
2011-12	15	5	3	0	0
2012-13	18	1	2	0	0
2013-14	17	4	1	0	0
2014-15	5	11	1	2	1
2015-16	17	9	0	0	0
2016-17	13	14	2	5	0
2017-18	18	7	0	1	0
Total	118	59	13	10	1

Source: www.ipindia.nic.in

Table 2 shows the goods wise distribution of registered GIs in India from 2010-2018. It is found that the highest number of GIs is registered for handicrafts i.e. 118 in these eight years. The lowest number of GIs is registered by natural goods i.e. 1. The total number of GIs registered for agriculture is 59. For manufactured goods Geographical Indications amounts to 13 and for foodstuff the total number of Geographical Indications from year 2010-18 is 10.

Figure 2: Graphical representation of goods wise distribution of GIs in India from 2010-2018



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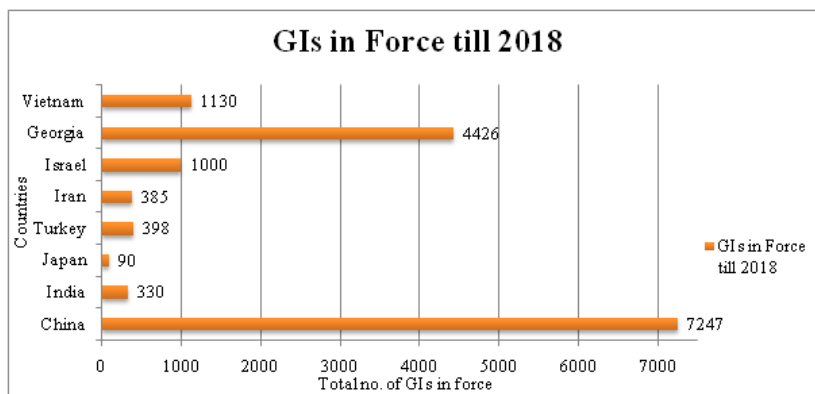
Figure 2 depicts the goods wise distribution of GIs in India. It is found that in year 2012-13 and 2017-18 the highest number of GIs is registered for handicrafts. After handicrafts agriculture goods has shown high number of GIs registration. The Geographical Indication for the food stuff items occupies the second last position among others. It depicts that GIs for natural goods are only registered in 2014-15.

COMPARATIVE ANALYSIS OF ASIAN COUNTRIES

Number of Geographical Indications registration of various Asian Countries has been compared using the total number of Geographical Indications in force till year 2018.

Following is the comparative analysis of Geographical Indications (GIs) of the Asian countries i.e. China, India, Japan, Turkey, Iran, Israel, Georgia and Vietnam.

Figure 3: Total number of GIs of Asian countries in force till 2018



Source: www.wipo.int

Figure 3 depicts the total number of GIs in force till year 2018 of the Asian countries. The highest GIs are registered in China till 2018, i.e. 7247 followed by Georgia that has GIs in force till 2018 of 4426. The lowest number of GIs in force till 2018 is in Japan i.e. 90. In India, total number of GIs in force till 2018 is 330. As compared to other countries India has less number of GIs till 2018 whereas China is leading among all Asian countries in terms of total number of GIs registration.

Conclusion

Geographical Indications is the recent concept that has emerged in the modern world and is of utmost importance to the countries for providing protection to the inventions. . India has shown increasing trend in total GIs registration year by year. It is seen that highest GIs registration are in field of handicrafts followed by agriculture. It can be concluded that

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India is still lagging behind in terms of GIs registration as compared to china and other developed countries.

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