INDIAN JOURNAL OF LEGAL REVIEW [IJLR – IF SCORE – 7.58]

VOLUME 6 AND ISSUE 9 OF 2026

APIS – 3920 - 0001 *(and)* ISSN - 2583-2344

Published by

Institute of Legal Education

https://iledu.in

GEOGRAPHICAL INDICATIONS AND FARMER RIGHTS

A REGULATORY CRITIQUE

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BEST CITATION – PRIYANKA. B, GEOGRAPHICAL INDICATIONS AND FARMER RIGHTS, *INDIAN JOURNAL OF LEGAL REVIEW (IJLR),* 6 (9) OF 2026, PG. 989-1001, APIS – 3920 – 0001 & ISSN - 2583-2344.

Abstract

Geographical Indications (GIs) represent one of the most vital yet under-examined tools in India's intellectual property framework — particularly from the standpoint of farmer rights and agrarian welfare. The Geographical Indications of Goods (Registration and Protection) Act, 1999 (GI Act), enacted to fulfil India's obligations under the TRIPS Agreement, has created a formal legal architecture for protecting the distinctive character of geographically origin-linked products. With 697 registered GIs as of July 2025 and a government target of 10,000 registrations by 2030, the Indian GI regime presents a facade of dynamism.

Yet beneath this quantitative growth lies a troubling structural gap: the farmers and artisans who are the actual producers and custodians of GI products are systematically sidelined by a regime that favours institutional registrants, intermediaries, and exporting entities. The authorized user framework is under-utilised, enforcement mechanisms are weak, awareness among rural producers is negligible, and the post-registration benefit-sharing structures are absent. International experience — particularly from the European Union and China — demonstrates that GI protection can be a transformative tool for rural income generation. India has thus far failed to replicate this potential.

This paper critically examines the GI Act 1999 from a farmer-rights perspective, analysing its statutory framework, registration architecture, judicial interpretations, enforcement challenges, international obligations under TRIPS, and the structural exclusion of actual producers from GI benefits. It concludes with concrete recommendations for legislative and policy reform.

1. Introduction

A farmer in the Darjeeling hills who has cultivated tea for generations using traditional knowledge passed down over centuries has no individual legal right under the Geographical Indications of Goods (Registration and Protection) Act, 1999 to enforce the GI tag that bears the name of his region. That right vests, instead, in the Tea Board of India. His role in the legal architecture that protects the most iconic Indian GI is marginal. He is a beneficiary only insofar as institutional structures choose to include him.

This is not an anomaly — it is the defining structural condition of India's GI regime. Geographical Indications, by their very nature, are collective rights linked to a community of producers in a specific geographical region. Yet the GI Act, perhaps owing to the institutional mindset in which it was drafted and the TRIPS compliance pressure that motivated it, has constructed a framework that effectively disconnects the legal ownership and enforcement of GI rights from the actual human beings whose labour, knowledge, and land give those rights meaning.

India is the world's sixth-largest holder of GI registrations, with 697 registered GIs spanning agriculture, handicrafts, and manufactured goods. Agriculture and food products account for approximately 30% of all registered GIs. However, research by the Energy and Resources Institute (TERI) found that farmers were not benefiting from GI tags even for registered products such as Malabar pepper and Vazhakulam pineapple. This gap between legal protection and economic reality is the central concern of this paper.

The following sections analyse the statutory framework of the GI Act, its alignment with TRIPS obligations, the registration and authorized user architecture, enforcement deficits, landmark case law, comparative models from the EU and China, and a critical assessment of the regime's failure to serve farmer rights — culminating in a series of reform recommendations.

2. International Framework: TRIPS and GI Protection

2.1 The TRIPS Agreement: Articles 22–24

India's GI regime is primarily a product of its obligations under the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), which came into force in 1995 as Annex 1C of the Marrakesh Agreement establishing the World Trade Organization (WTO). India ratified the TRIPS Agreement in 1995 and was required to enact conforming domestic legislation — leading to the GI Act, 1999.

TRIPS Provision	Scope	Nature of Protection
Article 22	All GI-eligible products universally	Standard protection: prevent misleading use; require legal means for interested parties to challenge false indications
Article 23	Wines and spirits only	Enhanced/absolute protection: any use of a GI for wines/spirits by an unauthorised person prohibited, even without consumer deception
Article 24	Exceptions and negotiations	Grandfather clauses for existing prior use; exceptions for generic terms; ongoing negotiations on extension of Article 23 protection

A key structural tension in TRIPS is the hierarchy between Articles 22 and 23. While Article 22 mandates general protection for all GIs, Article 23's enhanced protection is restricted to wines and spirits — a distinction widely criticised by developing countries including India as reflecting the export priorities of European wine-producing nations rather than equitable intellectual property principles.

India has consistently advocated at the WTO — alongside a coalition of developing countries — for the extension of Article 23-type enhanced protection to all GI categories, particularly agricultural products. This 'extension' debate has been part of the Doha Work Programme since 2001. The failure to achieve multilateral consensus on this issue remains an outstanding WTO obligation, adversely affecting the international protection available to Indian agricultural GIs such as Basmati rice and Darjeeling tea.

2.2 India's TRIPS-Plus Approach

In a notable departure from the TRIPS minimum standard, Section 22(2) and 22(3) of the GI Act empower the Central Government to notify certain goods for 'additional protection' — triggering an absolute prohibition on any use of the GI by unauthorised persons, even with qualifiers like 'style', 'type', or 'imitation'. This is a TRIPS-plus provision, extending Article 23-level protection beyond wines and spirits to any notified category.

However, the expression 'certain goods' in Section 22(2) is undefined in the Act, leaving its application entirely at the Central Government's discretion. No comprehensive notification has been issued under this provision covering Indian agricultural GIs at scale — a significant missed opportunity for enhanced protection of products like Basmati rice in international markets.

3. The GI Act 1999: Statutory Architecture

3.1 Structure and Objectives

The Geographical Indications of Goods (Registration and Protection) Act, 1999 (hereinafter 'the GI Act') came into force on 15 September 2003, accompanied by the Geographical Indications of Goods (Registration and Protection) Rules, 2002. The Act establishes a Geographical Indications Registry under the Controller General of Patents, Designs and Trade Marks, currently headquartered in Chennai. The Delhi High Court, in Asociacion De Productores De Pisco A.G. v. Union of India & Ors., summarised the Act's purpose as protecting and promoting goods with a specific geographical origin, preventing misuse by unauthorised persons, protecting consumers from deceptive trade practices, and promoting economic prosperity for producers.

3.2 The Two-Part Registration System

The GI Act creates a two-part registration structure that is central to understanding its relationship with farmer rights:

Part	What is Registered	Who Can Apply	Rights Conferred
Part A (Section 11)	The Geographical Indication itself	Association of persons, producers, or an organisation established by law; any Central/State Government authority	Right to use the GI; right to initiate infringement proceedings; cannot assign, transmit, or license the GI
Part B (Section 17)	Authorised Users — individual producers within the GI region	Any producer of goods in respect of which the GI is registered	Exclusive right to use the GI; right to initiate infringement proceedings; personal right, not transferable

The distinction between Part A (proprietor) and Part B (authorised user) is critical. Farmers who are actual producers can register as authorised users under Part B. However, registration as an authorised user requires a separate application, payment of fees, and navigation of a bureaucratic process that most small and marginal farmers are ill-equipped to undertake. The consequence is a structural disconnect: institutional bodies hold the GI right while individual farmers remain outside the formal legal protection architecture.

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3.3 Infringement Provisions

Sections 21 to 24 of the GI Act define and penalise infringement. Infringement occurs when an unauthorised person uses a registered GI in a manner that suggests a false geographical origin, or uses it on goods not originating from the registered region. Section 25 provides civil remedies including injunctions, damages, and accounts of profits. Criminal penalties under Section 39 range from six months to three years imprisonment and fines between Rs. 50,000 and Rs. 2 lakh for a first offence, with enhanced penalties for repeat offences.

Non-registered GIs are not without protection — Section 20 preserves the right to institute passing-off actions under common law. However, the practical advantages of registration (including presumption of validity, right to sue for infringement, and access to border control measures) make it the preferred route for robust enforcement.

3.4 Prohibition on Assignment and Licensing

A distinctive and farmer-protective feature of the GI Act is the prohibition on assignment, transmission, or licensing of GIs (Section 24). Unlike trademarks — which can be bought, sold, and licensed — a GI is permanently linked to its geographical origin and the community of producers within that region. This ensures that the GI cannot be appropriated by commercial interests and detached from its territorial and cultural roots.

Critical Note: Authorised User Under-Utilisation

Despite the Part B framework enabling individual farmer registration as authorised users, data from the GI Registry consistently shows minimal uptake. As of January 2024, of 547 registered GIs, the proportion with actively registered authorised users — particularly from the farming community — is negligible. The registration cost, documentation requirements, and lack of awareness among farmers create de facto barriers that the Act's drafters likely did not anticipate.

4. India's GI Registration Landscape: Progress and Gaps

4.1 Quantitative Overview

India's GI registration journey formally commenced in 2004–05 with Darjeeling Tea becoming the first product to receive a GI tag. As of July 2025, India has 697 registered GIs — a figure that, while substantial in absolute terms, represents only a fraction of the country's GI potential. More than 4,000 products in India are estimated to be eligible for GI registration, meaning the current registry covers less than 18% of potential GIs.

Category	% of Total Registered GIs (India)	Key Examples
Handicrafts	~45%	Pashmina shawl, Kancheepuram silk, Thanjavur paintings, Lucknow chikankari
Agriculture & Food	~30%	Darjeeling tea, Basmati rice, Alphonso mango, Coorg orange, Gobindobhog rice
Manufactured Goods	~25%	Mysore sandalwood oil, Mysore agarbathi, Banaras brocades

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Comparatively, India's GI registration numbers are dwarfed by leading GI nations. Germany has over 15,566 registered GIs; China has 7,247. Globally, wines and spirits constitute 51.8% of all registered GIs — a category India does not produce competitively — while agricultural products and foodstuffs account for 29.9%, the category most relevant to Indian farmers.

4.2 State-wise Distribution

The distribution of GIs across India's states reveals significant regional concentration. Uttar Pradesh and Tamil Nadu lead in GI registrations, reflecting both their agricultural diversity and institutional capacity to navigate the registration process. North-eastern states and tribal agricultural communities — despite possessing rich GI-eligible products — are significantly underrepresented, suggesting that institutional access and legal awareness, not agricultural heritage, drive registration outcomes.

4.3 The Registration Backlog Problem

Of 1,181 total applications submitted to the GI Registry as of January 2024, only 547 — approximately 46.31% — had been registered and granted registration certificates. This backlog reflects institutional capacity constraints at the GI Registry and delays in the examination process. For agricultural products whose market windows are seasonal and time-sensitive, extended registration timelines mean years of lost protection against counterfeit products in domestic and export markets.

Comparative Insight: GI and Rural Incomes

Research from China demonstrates that GIs in rural areas notably accelerated agricultural growth and improved farmer incomes. In the EU, a 10% increase in GI-registered products has been found to boost employment in both agriculture and industry, while reducing the urban-rural income gap. India's GI regime has not delivered comparable outcomes — largely because the benefit transmission from GI registration to individual farmers is structurally impaired.

5. Farmer Rights: The Central Critique

5.1 The Definitional Problem: 'Producer' in the GI Act

Section 2(k) of the GI Act defines 'producer' to include persons who produce, make, or manufacture the goods in question. In agricultural GIs, this definition theoretically encompasses farmers. However, the lack of clarity in operationalising this definition has resulted in the consistent involvement of intermediaries, trade bodies, and institutional applicants who subsume the producer's identity within collective registration.

The registered proprietor under Part A is almost invariably a government body, producers' association, or statutory authority — not an individual farmer. The Tea Board of India holds the Darjeeling Tea GI; agricultural boards hold GIs for most plantation products. While collective ownership has certain advantages (centralised enforcement, unified branding), it creates a governance layer between the GI right and the actual producer — a layer that is not always accountable to the farmer community.

5.2 Exclusion from Authorised User Status

The Part B authorised user registration mechanism was designed precisely to give individual producers a foothold in the GI legal architecture. However, in practice, the uptake among farmers has been extremely low. The barriers are multiple and mutually reinforcing:

- Awareness Deficit: The majority of farmers in GI-registered regions are unaware of the existence of the GI Act, the significance of their product's GI tag, or the authorised user registration process. Field surveys consistently find negligible GI literacy among rural producers.
- Procedural Complexity: The application process, though simplified relative to trademark registration, requires documentation, fee payment, and engagement with the Registry — infrastructure that small farmers lack.
- Language Barriers: Registry proceedings are conducted in English, creating accessibility barriers for farmers who work in vernacular languages.
- Cost Burden: Application fees and legal advisory costs — however modest in urban professional terms — represent significant barriers for marginal farmers.
- Collective Action Problem: GI registration benefits are collective goods. Individual farmers have insufficient incentive to incur registration costs when the benefits diffuse across all producers in the region.

5.3 Intermediary Capture of GI Benefits

Perhaps the most consequential structural failure of India's GI regime is the capture of economic benefits by intermediaries — traders, exporters, and processors — rather than the farmers who produce the GI goods. This phenomenon is well-documented in studies of Darjeeling tea, Coorg coffee, and Malabar pepper.

The GI tag commands a price premium — studies by the Department of Commerce indicate GI-tagged products command 20-30% higher prices compared to non-tagged equivalents, with Darjeeling Tea commanding prices three to four times higher than regular Indian tea in international markets. However, this premium is captured predominantly at the exporter and retailer level. The tea garden worker and small planter in Darjeeling receives a wage or farm-gate price determined by market conditions that the GI premium rarely transmits back to.

The GI Act contains no benefit-sharing framework — no statutory mechanism requiring GI proprietors or authorised users to ensure equitable distribution of GI-related price premiums to producing farmers. This is a fundamental legislative gap with no parallel in comparable GI systems internationally.

5.4 GI and Traditional Knowledge: An Unresolved Interface

Many Indian agricultural GIs are inseparable from traditional knowledge (TK) — cultivation practices, soil management techniques, varietal selection, and processing methods developed and refined by farming communities over generations. The GI Act does not explicitly recognise or protect the TK embedded in GI products. This creates a dual risk: the knowledge that gives the GI its distinctive character may be extracted, commercialised, and documented by third parties without attribution or compensation to its custodians.

India's National Intellectual Property Rights Policy (2016) acknowledges the need to link GI protection with TK preservation, but no legislative integration has been achieved. The Protection of Plant Varieties and Farmers' Rights Act, 2001 (PPV&FR Act) provides certain protections for farmer varieties, but its interface with the GI regime remains largely unexplored by courts and policymakers alike.

Field Evidence: The Malabar Pepper and Vazhakulam Pineapple Study

Research by The Energy and Resources Institute (TERI) found that despite GI registration of Malabar pepper and Vazhakulam pineapple, farmers in these regions were not materially benefiting from the GI tag. Traders and exporters were leveraging the GI branding for premium pricing in export markets while the farm-gate price paid to actual growers remained largely unaffected by the GI status. This evidence directly challenges the assumption that GI registration automatically translates into farmer welfare.

6. Enforcement Deficits

6.1 Domestic Enforcement Challenges

The GI Act's enforcement architecture is premised on rights-holders — primarily the Part A proprietors and Part B authorised users — initiating civil or criminal proceedings against infringers. This private enforcement model creates several structural problems in the agricultural context:

- Resource Asymmetry: Institutional proprietors (e.g., the Tea Board) have legal and financial resources to pursue infringers. Individual farmer-authorised users do not.
- Judicial Backlog: Civil suits for GI infringement are filed before District Courts and High Courts, which face chronic backlogs — rendering timely injunctive relief difficult in agricultural contexts where seasonal timelines matter.
- Lack of Specialised Adjudication: Unlike Patent cases (which have the Intellectual Property Division of High Courts and the IPAB framework), GI disputes lack a specialised tribunal, resulting in adjudication by courts unfamiliar with GI-specific commercial and agricultural dynamics.
- Counterfeit Products in E-Commerce: The surge in online retail has created new infringement vectors. GI-tagged products are routinely misrepresented on e-commerce platforms. Section 25 of the Act — while applicable — requires the rights-holder to identify and pursue infringers, a practically overwhelming task in the digital marketplace.

6.2 International Enforcement

India's GIs face significant enforcement challenges in international markets. The protection available in a foreign country depends on bilateral IP agreements and the domestic law of that country. The absence of a multilateral register for agricultural GIs — a long-standing Indian demand in WTO negotiations — means that Indian GIs like Basmati rice lack automatic protection in key export markets.

The RiceTec Inc. case — in which a U.S. company obtained a patent covering rice lines marketed as 'Basmati' variants — dramatically illustrated this vulnerability. RiceTec's patent (No. 5,663,484) covered rice marketed under names like 'Texmati' and 'Kasmati', directly leveraging the Basmati brand reputation. India's diplomatic and legal challenge resulted in partial revocation of the patent claims, but the episode exposed the insufficiency of Article 22 TRIPS protection in preventing biopiracy and reputational appropriation of Indian agricultural GIs.

6.3 Quality Control: A Missing Regulatory Link

An underappreciated dimension of GI enforcement is quality control. The GI tag's value depends on maintaining the product standards that justify it. However, the GI Act contains inadequate provisions for ongoing quality monitoring of GI products post-registration. The code of practice — submitted as part of the registration application — defines quality parameters, but there is no systematic regulatory mechanism for periodic verification, compliance inspection, or decertification for sub-standard products.

This quality control gap undermines consumer trust, dilutes the GI brand's market premium over time, and ultimately harms the producers whose economic welfare depends on that premium. In contrast, the EU's Protected Designation of Origin (PDO) and Protected Geographical Indication (PGI) frameworks mandate continuous quality verification by approved independent bodies.

7. Judicial Interpretation: Landmark Cases

7.1 Tea Board of India v. ITC Limited (2011)

In this seminal case before the Calcutta High Court, the Tea Board of India — the registered proprietor of the Darjeeling Tea GI — sued ITC Limited for using the word 'Darjeeling' in branding its hotel lounge. The Court held that the use of 'Darjeeling Lounge' by ITC to market a hotel space constituted infringement of the GI, as it created a false impression of a geographical connection to Darjeeling tea products.

The case established important principles regarding the scope of GI protection and the rights of institutional proprietors. However, it also highlighted the asymmetry at the heart of India's GI regime: institutional rights-holders possess the legal standing and resources to enforce GIs in high-profile litigation, while individual farmers who produce the underlying commodity remain passive beneficiaries of enforcement outcomes they did not initiate.

7.2 Asociacion De Productores De Pisco A.G. v. Union of India & Ors.

In this case before the Delhi High Court, the Court provided a foundational interpretation of the GI Act's objectives — protection and promotion of goods with a specific geographical origin, prevention of unauthorized misuse, and promotion of economic prosperity for producers. The Court's articulation of 'producers' as the intended beneficiaries of the GI regime is notable; however, the practical architecture of the Act consistently fails to operationalise this intent at the level of individual farming households.

7.3 APMC and GI Intersection: Emerging Issues

An emerging area of judicial concern is the intersection of GI protection with agricultural marketing regulations — particularly APMC Acts. Where GI-tagged agricultural products are subject to mandatory mandi trading, the premium pricing that GI status enables may be captured by commission agents and traders rather than transmitted to farmers. Courts have not yet been called upon to address this intersection comprehensively, but it represents a significant area of unresolved regulatory tension.

7.4 RiceTec Case (United States Patent Office, 1997–2002)

Though not an Indian judicial decision, the RiceTec patent controversy shaped India's GI policy trajectory profoundly. RiceTec Inc., a U.S.-based company, obtained a patent on certain Basmati-type rice lines that it marketed as 'Texmati' and 'Kasmati' — directly appropriating the reputational equity of Indian Basmati. India's government mounted a successful diplomatic and legal challenge that resulted in the cancellation of several key patent claims, but not the full patent.

The episode catalysed India's advocacy for enhanced GI protection in WTO forums and demonstrated the vulnerability of agricultural communities to biopiracy when GI legal protections are territorially limited and internationally fragmented.

8. Comparative Analysis: EU and China GI Models

8.1 The European Union: PDO and PGI Framework

The EU's GI framework — operating through Council Regulations on Protected Designation of Origin (PDO) and Protected Geographical Indication (PGI) — is widely regarded as the global benchmark for GI protection. Key features that distinguish it from India's model include:

- Mandatory Producer Group Involvement: Applications must come from producer groups representing actual producers. Individual farmers are institutionally represented.
- Independent Quality Verification: Post-registration quality control is mandatory, conducted by approved inspection bodies that verify compliance with the registered product specification.
- Benefit Transmission Monitoring: EU GI studies demonstrate that price premiums are more systematically transmitted to producers through cooperative structures and producer groups.
- Cross-Border Enforcement: EU GIs are automatically protected across all 27 member states, eliminating the fragmented enforcement that plagues India's GI regime.
- PDO vs. PGI Distinction: The EU offers two tiers — PDO (full geographical connection required for all stages of production) and PGI (at least one stage of production in the region) — allowing nuanced calibration of protection standards. India offers only a single PGI-equivalent category.

8.2 China: Dual Registration System and State Support

China operates a dual GI registration system — one under the China National Intellectual Property Administration (CNIPA, formerly SIPO) and another under the Ministry of Agriculture and Rural Affairs. This dual track creates redundancy but also institutional competition that has driven GI awareness and uptake. China has 7,247 registered GIs — ten times India's count.

Research confirms that GI adoption in rural China has notably accelerated agricultural growth and improved farmer incomes. China's success is attributable to strong state support for GI promotion, agricultural cooperative structures that effectively represent farmer interests, and integration of GI protection with rural development policy. India's GI framework lacks comparable institutional infrastructure for farmer-oriented GI benefit delivery.

8.3 Lessons for India

Dimension	EU Model	China Model	India — Current Gap
Producer Representation	Mandatory producer group involvement in applications	Agricultural cooperatives as primary applicants	Individual farmers largely excluded; institutional applicants dominate
Quality Control	Continuous, mandatory, by independent bodies	Ministry-level oversight	Limited post-registration quality monitoring

Dimension	EU Model	China Model	India — Current Gap
Price Premium Transmission	Cooperative structures distribute premiums	State-facilitated distribution channels	Intermediary capture is pervasive
Enforcement Support	EU-wide automatic protection	Strong state enforcement	Resource-constrained private enforcement
Registration Speed	Streamlined EU-level process	Rapid state-supported process	46% registration rate; chronic backlog

9. Legislative and Policy Gaps: A Critical Summary

The foregoing analysis identifies the following as the most significant legislative and policy gaps in India's GI regime from a farmer-rights perspective:

- **Absence of Benefit-Sharing Framework: The GI Act contains no provision mandating equitable distribution of GI-related price premiums to actual producers. This is the most consequential legislative lacuna.**
- **Undefined 'Producer' Access to Part B Registration: The authorised user framework is structurally sound but practically inaccessible to individual farmers due to awareness, cost, and procedural barriers.**
- No Quality Control Mandate: Post-registration quality monitoring is absent from the statute, undermining the long-term value of GI protection and exposing farmers to brand dilution.
- GI-TK Interface Unresolved: The relationship between GI protection and traditional knowledge rights — which underpin the distinctiveness of most agricultural GIs — has no statutory basis.
- Absence of a Multilateral GI Register: India's repeated advocacy for a WTO multilateral register of GIs for agricultural products and foodstuffs has not yielded results, leaving Indian farm products inadequately protected in key export markets.
- TRIPS Article 23 Extension Gap: India has not invoked Section 22(2) to its full potential to extend enhanced protection to major agricultural GIs, despite the statutory authority to do so.
- No PDO Equivalent: India lacks a Protected Designation of Origin category that requires full geographical connection for all production stages — allowing diluted GIs that may not fully reflect the producer community's geographical identity.
- Weak Digital Enforcement: The Act does not specifically address GI infringement on e-commerce platforms, creating a

significant enforcement void as online trade grows.

10. Recommendations for Legislative and Policy Reform

10.1 Amend the GI Act to Introduce a Mandatory Benefit-Sharing Mechanism

A new Chapter in the GI Act should mandate that registered proprietors establish and operate a Farmer Benefit Fund — a mechanism through which a portion of GI-derived revenue premiums is returned to the actual producer community. The Fund's governance structure should include elected farmer representatives, ensuring accountability to the producing community rather than institutional interests.

10.2 Simplify and Subsidise Authorised User Registration

The Part B authorised user registration process should be reformed to: (i) eliminate individual application fees for farmers below a defined income threshold; (ii) allow collective applications through Farmer Producer Organisations (FPOs); (iii) integrate GI authorised user registration with the PM Kisan database to identify eligible farmers proactively; and (iv) create a multilingual, mobile-accessible registration interface for rural outreach.

10.3 Introduce a Mandatory Quality Control Framework

The GI Act should be amended to require registered proprietors to designate an approved certification body for periodic quality verification. A GI registration should be liable to cancellation or suspension upon repeated non-compliance with the registered code of practice — creating a quality discipline mechanism that preserves the GI's market value and the farmers' brand equity.

10.4 Enact a GI-Traditional Knowledge Interface Clause

A statutory provision should be introduced linking GI protection to Traditional Knowledge (TK) documentation under the Traditional Knowledge Digital Library (TKDL) framework. Where a GI is inseparable from TK practices, the registration application should identify and acknowledge the TK community of origin, and benefit-sharing provisions should specifically address TK custodians.

10.5 Introduce a Protected Designation of Origin (PDO) Category

India should introduce a dual-tier GI system — a Protected Geographical Indication (PGI) category (existing) and a Protected Designation of Origin (PDO) category for products where all stages of production, processing, and preparation are geographically linked. This would enable stronger market differentiation and more robust international protection claims for India's most geographically distinctive agricultural products.

10.6 Pursue TRIPS Article 23 Extension and WTO Multilateral Register

India should intensify diplomatic efforts within the WTO to achieve the extension of Article 23 enhanced protection to agricultural products and foodstuffs. In the interim, the Central Government should issue comprehensive notifications under Section 22(2) of the GI Act to extend additional domestic protection to major agricultural GIs — especially Basmati rice, Darjeeling tea, and Alphonso mango.

10.7 Digital Enforcement Architecture

An amendment to Section 22 should specifically prohibit GI infringement on digital platforms, with a mechanism for GI Registry-led takedown notices to e-commerce operators. This mirrors the approach under the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 for other IP infringements, and would close the significant enforcement void created by online trade.

10.8 Establish a National GI Awareness Mission

A Government-funded National GI Awareness Mission should be established — modelled on the Unnat Bharat Abhiyan — to conduct outreach in GI-registered villages, educate farmers on GI rights, facilitate authorised user registration, and connect GI producers to premium markets domestically and internationally.

11. Conclusion

Geographical Indications have the potential to be India's most powerful legal tool for translating cultural heritage and agricultural tradition into sustainable rural incomes. The GI Act 1999, drafted under TRIPS compliance pressure, created a framework that is doctrinally sound but operationally incomplete — particularly from the standpoint of the farmers and artisans who are the ultimate source of GI value.

The research demonstrates a consistent pattern of farmer exclusion from GI benefits: institutional registration without meaningful producer representation; authorised user frameworks that are structurally inaccessible to rural communities; enforcement mechanisms premised on resources that farming communities do not possess; and a complete absence of benefit-sharing obligations that would channel GI premium revenues back to actual producers.

India's ambition of 10,000 GI registrations by 2030 must be accompanied by an equally ambitious agenda of qualitative reform — transforming GI registration from a paper right into a lived economic benefit for the communities that make those registrations meaningful. The legislative architecture for such transformation exists in partial form; what is required is the political will to complete it.

A GI regime that protects the Darjeeling Tea brand but fails to improve the earnings of the tea garden worker, or that registers Basmati's geographical origin without ensuring the Basmati farmer captures a fair share of its export premium, has fulfilled the letter of TRIPS but betrayed the spirit of agrarian justice. India's GI reform agenda must squarely address this gap if the GI tag is to become, in practice, what it promises in law: a mark that empowers the people whose labour and land it represents.

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