



The Impact of Geographical Indication In The International Trade.

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ARTICLE INFO ABSTRACT

Geographical Indications (GIs), which provide a special kind of intellectual property protection that preserves the connection between goods and their geographical origins, have become an important component of the global commerce environment. GIs are useful instruments in international trade for recognising and marketing unique goods, preserving cultural heritage, and bolstering regional economies. In the context of international commerce, this article offers a thorough review of GIs, examining their historical development, legal frameworks, economic and cultural significance, as well as the potential and problems they bring. The idea of geographical indications (GIs) dates back to ancient times, when buyers and merchants realised that goods coming from particular areas had distinctive characteristics. This acknowledgment has developed over the ages into a structured system of protection and advancement supported by worldwide accords and legislative frameworks. These days, GIs include a broad spectrum of items, including as meals, wines, spirits, handicrafts, agricultural products, and other traditional goods with a strong connection to their original regions.

Keywords: Geographical indications, intellectual property, efficient legal system, investigative study, current law

I. Introduction:

The economic, social, and cultural significance of GIs cannot be overstated. GIs play a vital role in supporting rural development, preserving traditional knowledge, and promoting sustainable practices. Additionally, they support the preservation of traditional handicraft and biodiversity, adding to the rich cultural fabric of communities throughout. Globally, accords like the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration, which is overseen by the World Intellectual Property Organisation (WIPO), and the WTO TRIPS Agreement set the legal foundation for the protection of geographical indications (GIs). These agreements provide the framework for safeguarding, registering, and enforcing GIs and serve as a basis for standardising procedures throughout various legal systems.¹

However, the protection and promotion of GIs are not without challenges. Conflicts over competing claims to the same or similar GIs, balancing the interests of producers and consumers, and the impact of GIs on digital commerce are among the complex issues that require careful consideration. Moreover, the evolving landscape of international trade agreements and the emergence of new trends and technologies present both opportunities and potential threats to the integrity of GIs. In the face of these challenges, the future of GIs in international trade holds promise. As the global community emphasizes sustainability, ethical consumption, and the preservation of cultural heritage, GIs are well-positioned to play an increasingly vital role. By fostering a deeper understanding of GIs and their impact on international trade, stakeholders can work towards ensuring the continued protection and promotion of these unique products, thereby contributing to a more diverse, sustainable, and equitable global marketplace.

In order to shed light on GIs' historical roots, legal foundations, economic and cultural relevance, and present and future concerns, this essay will explore the complex world of GIs in international commerce. We hope to

¹ "Geographical Indications at the Crossroads of Trade, Development, and Culture" edited by Irene Calboli and Wee Loon Ng-Loy. P. 78

learn more about GIs and how they have shaped international trade through this investigation, which will help us safeguard and promote these priceless assets with greater knowledge and subtlety.

II. The significance of Geographical Indications (GIs) in international trade are:

1. Economic Significance:

GIs contribute to economic development by adding value to local products and supporting rural economies. By linking products to their specific places of origin, GIs help generate demand and premium pricing, thus providing economic incentives for producers and communities. This, in turn, can lead to increased income for local producers, fostering economic growth and employment opportunities in rural areas. GIs also promote sustainable agricultural practices and help maintain the viability of traditional industries, contributing to the overall economic resilience of regions associated with unique products.²

2. Market Differentiation and Consumer Protection:

GIs serve as valuable tools for market differentiation, allowing consumers to make informed choices based on the specific qualities or characteristics associated with a particular geographical area. By providing assurance of authenticity and quality, GIs enhance consumer confidence and protection. Consumers can trust that products bearing a GI are genuine and meet the standards associated with the geographical origin, thus reducing the risk of misleading or deceptive practices in the marketplace. This fosters consumer loyalty and supports sustainable consumption patterns.

3. Preservation of Cultural Heritage and Traditional Knowledge:

GIs play a pivotal role in preserving cultural heritage and traditional knowledge by safeguarding the unique characteristics and production methods associated with specific regions. They provide recognition and protection for traditional craftsmanship, agricultural practices, and culinary traditions, thereby contributing to the continuity of cultural identities. GIs help maintain the authenticity and distinctiveness of products rooted in centuries-old traditions, ensuring that they continue to be passed down through generations.³

4. Environmental and Sustainable Development:

GIs frequently encourage ecologically friendly activities by highlighting the utilisation of natural resources and conventional farming techniques that have been modified to fit the needs of regional ecosystems. Environmental protection and ecosystem preservation are aided by GIs, which support biodiversity conservation and sustainable resource use. GIs support international initiatives to mitigate climate change and promote sustainable development by emphasising traditional and sustainable manufacturing methods.⁴

5. Regional Development and Social Cohesion:

GIs can contribute to the social and cultural cohesion of communities by fostering pride in local traditions and products. They support rural communities by providing economic opportunities and contributing to the social fabric of regions with unique cultural and historical significance. GIs can also act as a catalyst for tourism, attracting visitors interested in experiencing the unique products, landscapes, and cultural heritage associated with specific geographical areas.

The significance of GIs in international trade extends beyond mere commercial value. GIs contribute to economic development, consumer protection, cultural preservation, and environmental sustainability, thereby enriching the global marketplace and promoting the continuity of diverse cultural traditions. Understanding and recognizing the significance of GIs is essential for ensuring their continued protection and promotion in international trade, ultimately contributing to a more diverse, sustainable, and equitable global economy.⁵

III. The Historical Development of Geographical Indications (GIs):

1. Origins of GIs and Traditional Knowledge:

Geographical indicators (GIs) have their roots in ancient civilizations, when goods associated with certain areas were valued for their distinctive features. The idea of Geographical Indications (GIs) was founded on traditional knowledge that was passed down through the centuries regarding the link between a product and its geographical origin. Ancient cultures prized unique items like wines, agricultural products, and handicrafts, frequently attributing their characteristics to the particular geographic settings in which they were made.

² "The Economics of Geographical Indications: A Review" by Johan Swinnen and Mara Squicciarini, published in the Journal of Economic Perspectives. p. 89

³ "The Role of Geographical Indications in International Trade" by Lionel Bently, published in the Journal of Intellectual Property Law & Practice. p. 167

⁴ "Geographical Indications and International Trade: A Handbook" edited by Michael Blakeney. p. 145

⁵ "Geographical Indications and International Agricultural Trade: The Challenge for Asia" by Carlos M. Correa and Xavier Seuba. p. 36

2. Early Examples of Regional Branding and Protection:

Historical examples of regional branding and protection abound across different cultures and time periods. For instance, in ancient Rome, amphorae and containers bore seals indicating the origin and quality of the contents, effectively serving as precursors to modern GIs. Similarly, medieval European guilds and trade associations established marks of origin to protect the reputation and quality of regional products, laying the groundwork for the formal recognition of GIs. The development of regional protection for products also emerged in Asian cultures, where goods such as spices, textiles, and ceramics were associated with specific regions and gained renown for their quality and craftsmanship. Early trade routes, such as the Silk Road, facilitated the exchange of these unique products and contributed to their recognition based on geographical origin.⁶

3. Evolution of International Recognition and Protection:

Over time, the notion of Geographical Indications (GIs) has gained worldwide relevance, and their official recognition and protection have changed accordingly. The development of legal frameworks and agreements aimed at defending intellectual property rights, particularly those pertaining to geographical indications, marked the beginning of the worldwide recognition of geographical indications (GIs) in the 20th century.⁷

With the creation of accords like the World Trade Organization's (WTO) Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement), the institutionalisation and internationalisation of GIs accelerated. GIs gained prominence in the international trade regime when the TRIPS Agreement, which went into effect in 1995, established minimum requirements for their recognition and enforcement and offered a framework for their protection. The Lisbon Agreement for the Protection of Appellations of Origin and their International Registration, which was established under the World Intellectual Property Organization's (WIPO) auspices, also strengthened the protection and recognition of GIs on a global scale. This agreement gave nations a platform to work together to protect GIs globally by establishing processes for the worldwide registration and protection of appellations of origin.⁸

The historical development of GIs reflects a gradual transition from informal recognition based on traditional knowledge to formalized systems of protection and international recognition. This evolution underscores the enduring significance of GIs as a means of preserving cultural heritage, protecting local products, and promoting the distinct qualities associated with specific geographical regions. Geographical indications (GIs) are a type of intellectual property rights that designate a product as coming from a certain location when a certain feature of the product—such as its reputation or quality—is primarily related to that location. GIs can be used on a variety of goods, such as groceries, wines, spirits, handicrafts, agricultural products, and industrial goods.⁹

The notion of terroir, which emphasises the special fusion of natural and human variables, such as climate, soil, traditional knowledge, and local culture, that contributes to the distinctive attributes of goods from a particular place, is strongly linked to the idea of geographical indicators.

IV. The Scope of Geographical Indications encompasses several key aspects:

1. Product Quality and Reputation:

Geographically identified products (GIs) are used to market and preserve goods that have particular attributes or reputations related to their place of origin. Geographical indicators (GIs) can communicate details about a product's distinctive qualities, conventional manufacturing processes, and cultural history by linking it to its area of origin.

2. Consumer Protection:

GIs help consumers make informed choices by providing assurance about the authenticity and quality of products. When consumers see a geographical indication associated with a product, they can have confidence that the product meets certain standards and has the expected characteristics.

3. Economic Development:

GIs can contribute to the economic development of specific regions by promoting the unique products and traditions of those areas. They can also help small-scale producers and local communities by providing them with a competitive advantage in the market.

4. Protected Property created by Original Thought:

GIs are a type of intellectual property protection that aids in the preservation of producers' traditional knowledge, cultural legacy, and product development expenditures. This safeguard can stop others from

⁶ "Geographical Indications and International Agricultural Trade: The Challenge for Asia" by Carlos Maria Correa and Watal J. p. 127.

⁷ "Geographical Indications and International Trade: The Challenge for Asia" by Xavier Seuba, published in the European Intellectual Property Review.

⁸ "Geographical Indications at the Crossroads of Trade, Development, and Culture" edited by Irene Calboli and Wee Loon Ng-Loy. p. 167.

⁹ *Ibid*

using the geographical indicator without authorization in an attempt to take advantage of the product's reputation..

All things considered, geographical markers are essential for promoting fair trade practices, maintaining traditional knowledge and cultural variety, and assisting in sustainable development. Geographical indications (GIs) are protected by international agreements like the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), which is overseen by the World Trade Organisation. Numerous nations have also established legal frameworks to protect and regulate GIs. Geographical indications (GIs) and the safeguarding of traditional knowledge have its roots in early instances of regional branding, the necessity of protecting distinctive products, and the development of global initiatives to identify and safeguard these types of intellectual property.

V. Early Examples of Regional Branding and Protection:

-Historical records show that as early as the 18th century, certain regions began using marks and seals to identify the origin of products, such as wines and foodstuffs. For example, in the European context, the Chianti wine region in Tuscany, Italy, implemented a system of regional branding by creating the world's first legally defined wine region in the 18th century. Similarly, in the 19th century, the Roquefort cheese producers in France established one of the earliest forms of product certification, which marked the beginning of formal protection for regional products.

VI. Evolution of International Recognition and Protection:

The world started to realise how important it was to safeguard geographical markers in the 20th century. International accords and treaties were developed as a result of the growing impetus behind efforts to create legal frameworks for the protection of GIs. The Paris Convention for the Protection of Industrial Property, which was established in 1883, is one of the important turning points in the history of the recognition and defence of geographical indications (GIs) worldwide. The convention established the framework for the safeguarding of geographical indications and established the foundation for other international accords.

Provisions for the protection of geographical indications were incorporated in the 1995 World Trade Organisation (WTO) agreement on trade-related aspects of intellectual property rights (TRIPS). TRIPS established global guidelines for the safeguarding of geographical indications (GIs), mandating that WTO member nations give interested parties the legal tools to stop the use of GIs that deceive consumers about the real origin of a good. A number of bilateral and regional trade agreements have also addressed the protection of geographical indications, in addition to TRIPS. For instance, the European Union has agreements with other nations to mutually recognise and protect each other's Geographical Indications (GIs), and it maintains a strong regulatory framework for GI protection.

With continuous talks and negotiations aiming at further harmonising and strengthening the legal frameworks for their protection at the global level, the international recognition and protection of GIs and traditional knowledge continue to grow. These initiatives are a reflection of the understanding of the value of traditional knowledge and geographically significant locations (GIs) from a cultural, economic, and commercial standpoint. They also highlight the relevance of protecting and promoting locally produced goods.

VII. The International Legal Framework.

1. WTO TRIPS Agreement:

The World Trade Organisation (WTO) oversees TRIPS, which establishes baseline requirements for member nations' protection of intellectual property, including GIs.

TRIPS lays out the framework for the protection of Geographical Indications (GIs) for goods like wines and spirits and requires WTO member nations to provide interested parties with legal mechanisms to prohibit the use of GIs that deceive the public about the genuine origin of products.

2. Lisbon Agreement:

A worldwide registration system for appellations of origin, a particular class of Geographical Indications (GIs) for wines and spirits, is made available by the Lisbon Agreement, which is managed by the World Intellectual Property Organisation (WIPO). By enabling the international registration of appellations of origin, this agreement seeks to shorten the process for protection under the agreement and promote the protection of GIs across national borders.

3. European Union's GIs Framework:

The European Union has created bilateral agreements with other nations to mutually recognise and protect each other's geographical indications (GIs), in addition to developing a comprehensive framework for GI protection inside its member states.

A comprehensive model for the protection of geographical indications (GIs) is offered by the EU system, which covers a broad spectrum of both agricultural and non-agricultural products.

4. Bilateral and Regional Trade Agreements:

The preservation of GIs is covered by clauses in a large number of bilateral and regional trade agreements. In addition to encouraging respect for one another and the upholding of GI rights, these agreements frequently contain promises to identify and safeguard GIs who are citizens of the signing nations.

5. National Laws and Regulations:

Individual nations have their own rules and regulations governing the recognition, registration, and enforcement of GIs inside their territory, even if international accords offer a foundation for their protection.. Global GI protection is being strengthened and harmonised by continuing talks and agreements, which are part of an evolving international legal framework. These initiatives are a reflection of the understanding of the cultural, economic, and commercial value of Geographically Inherent (GIs) and the relevance of protecting and marketing items that have a strong connection to their original locations.

The International Legal Framework:

The World commerce Organisation (WTO) is responsible for enforcing the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement), an international agreement that establishes minimum criteria for several types of intellectual property (IP) rules pertaining to international commerce. A vast array of intellectual property rights, including as patents, trademarks, copyrights, industrial designs, and trade secrets, are covered under the TRIPS Agreement, which went into force in 1995.

Geographical indications (GIs) are indications that identify a good as originating in the territory of a member, or a region or locality in that territory, where a given quality, reputation, or other characteristic of the good is essentially attributable to its geographical origin. The TRIPS Agreement contains provisions requiring member countries to provide effective protection of GIs. In particular, the agreement forbids the use of deceptive indicators in the context of international trade and lays forth basic criteria of protection for geographical indications (GIs).

A major oversight function in the implementation and enforcement of the TRIPS Agreement is performed by the World Trade Organisation (WTO). In addition to providing a platform for member nations to negotiate and debate matters pertaining to intellectual property rights, including geographical indications, it also offers dispute resolution procedures to resolve disagreements about how the TRIPS Agreement should be interpreted and applied.

The Lisbon Agreement for the Protection of Appellations of Origin and their International Registration addresses Appellations of Origin (AOs) and their international registration in addition to the TRIPS Agreement. The WIPO oversees the Lisbon Agreement, which protects AOs. AOs are comparable to GIs, but they usually have more stringent rules on the connection between a product's attributes or quality and its place of origin. The agreement makes it possible for AOs to be registered internationally, making it easier to safeguard AOs across borders with a single registration procedure.

The overall goals of the WTO TRIPS Agreement are to create a framework for the effective protection of intellectual property rights, including GIs and AOs, and to advance just and equitable international trade in goods and services. These goals are coordinated with WTO efforts and other international agreements, such as the Lisbon Agreement. In the upcoming years, a number of anticipated changes and advancements are anticipated to have an influence on the geographical indications (GIs) industry. Some of these trends include:

1. Digitalization and Traceability:

With the increasing use of digital technologies, there is a growing trend towards the use of digital platforms and blockchain technology to establish and verify the authenticity and traceability of products linked to specific geographical origins. This trend is likely to enhance consumer trust and facilitate the enforcement of GI protection.

2. Expansion of GI Protection:

The importance of GIs in fostering rural development, protecting cultural heritage, and guaranteeing product authenticity is becoming more widely acknowledged. Consequently, there might be a growth in the number of GIs registered globally when GI protection is extended to new product categories and geographic areas.

3. International Cooperation and Harmonization:

Efforts to promote international cooperation and harmonization of GI protection systems are expected to continue. This includes initiatives to facilitate the international registration and recognition of GIs, as well as the exchange of best practices among countries to enhance the effectiveness of GI protection.

4. Sustainable Development and Environmental Protection:

There is a growing emphasis on the role of GIs in promoting sustainable agricultural practices, environmental conservation, and biodiversity preservation. Future developments may focus on integrating sustainability criteria into GI protection schemes and promoting products with a strong environmental and social sustainability profile.

5. Consumer Awareness and Demand:

There will probably be a rise in the market for GI-protected goods as customers' concerns about the provenance and calibre of the goods they buy grow. This tendency can encourage manufacturers to apply for Geographical Indication (GI) protection for their goods in order to set them apart from competitors and satisfy customers' demands for genuineness and excellence.

Challenges from Globalization and Counterfeiting: Globalization and the expansion of e-commerce present challenges for the protection of GIs, as they increase the risk of unauthorized use and counterfeiting of GI-protected products. Future developments may focus on addressing these challenges through improved enforcement mechanisms, including enhanced border controls and cooperation among law enforcement agencies.

All things considered, the future of geographical indicators is probably going to be influenced by a confluence of global economic trends, legislative changes, shifting consumer tastes, and technology breakthroughs. In the years to come, it is anticipated that stakeholders, international organisations, and governments will continue to place a high priority on strengthening the protection of geographical indications (GIs) and highlighting their contribution to sustainable development and cultural preservation.

Conclusion:

Geographical indications (GIs) play a significant role in international trade, serving as valuable tools for protecting unique products associated with specific geographic origins and cultural heritage. The significance of GIs in international trade can be summarized as follows:

Significance of GIs in International Trade:

1. Cultural and Economic Value:

GIs help preserve and promote traditional and artisanal products, contributing to the preservation of cultural heritage and rural economies. They serve as symbols of quality, authenticity, and distinctiveness, attracting consumer interest and fostering local and regional development.

2. Market Differentiation and Branding:

GIs enable producers to differentiate their products in the marketplace and communicate specific qualities and characteristics associated with their geographical origin. This differentiation enhances market competitiveness and supports the development of local and regional brands with global recognition.

3. Consumer Protection: GIs provide consumers with assurance regarding the authenticity and quality of products, contributing to informed purchasing decisions. They also help prevent consumer deception and safeguard against misleading commercial practices.

Summary of Key Challenges and Opportunities:

Challenges:

1. Unauthorized Use and Counterfeiting: In the age of globalised trade and e-commerce, GIs are particularly vulnerable to unapproved use and counterfeiting..
2. Climate Change and Environmental Pressures: The conventional production techniques and ecosystems connected with GI goods are challenged by environmental changes and sustainability concerns.
3. Regulatory Harmonization and Enforcement: Variations in GI protection systems and enforcement mechanisms across countries can create complexities and hinder effective protection.

Opportunities:

1. Technological Advancements: Advances in technology, such as blockchain and digital traceability, offer opportunities to enhance the protection and verification of GIs.
2. Sustainable Development: GIs have the potential to contribute to sustainable agricultural practices, environmental conservation, and rural development, aligning with global sustainability agendas.
3. Ethical Consumption: GIs can support consumer preferences for ethically and sustainably produced goods, contributing to responsible consumption patterns.

Call to Action for Continued Support and Protection of GIs in Global Trade:

Given the significance of GIs and the challenges and opportunities they face, it is imperative to continue supporting and protecting GIs in global trade. This call to action includes:

1. Strengthening International Cooperation: Enhance international cooperation to harmonize GI protection, facilitate mutual recognition, and address cross-border challenges related to GI infringement and counterfeiting.
2. Integration of Sustainability Criteria: Integrate sustainability and environmental criteria into GI protection schemes to address climate change and promote environmentally friendly production practices.
3. Embracing Technological Solutions: Embrace technological advancements to enhance traceability, authentication, and enforcement of GI protection, ensuring the integrity of GI-protected products in the digital age.

In conclusion, the continued support and protection of GIs in global trade are essential for preserving cultural heritage, promoting economic development, and meeting the evolving demands of consumers for authentic, high-quality, and sustainable products. By addressing challenges and seizing opportunities, stakeholders can contribute to the effective safeguarding and promotion of GIs in international trade.

Author statement

All authors contributed equally to this work.

Declaration of Competing Interest

The authors declare that they have no known competing financial interests or personal relationships that could have appeared to influence the work reported in this paper.

Data availability

Data will be made available on request.

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