

THE STAIRS OF MAKE IN INDIA THROUGH GEOGRAPHICAL INDICATIONS- AN ANALYTICAL APPROACH

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Abstract

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Make in India is an initiative launched by the Government of India to attract businesses around the world to invest and manufacture in India. Make in India aims to encourage the production of goods within the country and making India the manufacturing hub of world economy. One of the objectives of Make in India programme is to improve and protect the Indian intellectual property regime. In this context, Geographical Indication is less discussed intellectual property right. Geographical indication goods can be produced in India without the need for any FDI (foreign direct Investment) and that they can promote socio-economic development of their respective regions. Geographical indications are perhaps the perfect match for make in India programme. This paper discusses the role and scope of Geographical Indications in Make in India programme.

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1. Introduction

Make in India is a programme launched by Government of India on 25 September 2014. It is a major national initiative to facilitate investment, foster innovation, enhance skill development, protect intellectual property and build best-in-class manufacturing infrastructure. Make in India focuses on twenty five sectors of economy which includes food processing, leather, textiles and garments etc. As one of objectives of make in India programme is to improve and protect the Indian intellectual property regime. For achieving this objective, the Department of Industrial Policy and Promotion (DIPP) had come up with various initiatives, like more posts in Intellectual property offices, online e-filing facilities, rebate on online filing, fee concession for micro, small and medium enterprises, operation of Madrid Protocol, IPR awareness programme. However, a less discussed intellectual property right (IPR) in this context is geographical indications. Geographical indication is an indication that identifies goods as produced from a particular area, which has special quality or reputation attributable to its geographic origin. Geographic indication (GI) goods can be produced in India, without the need for any foreign direct investment (FDI) and by motivating local producers they can also contribute to the socio-economic development of their respective regions.

2. Geographical Indications

From time immemorial, most peoples of the world have referred to products by the names of their places of origin. They have always known that goods from certain regions have distinct qualities and characteristics. People constructing a house or a building would ask for the Rajasthan marbles. Association of place names with certain qualities of a product has been particularly prevalent in the case of textiles and dress materials. Saris, for instance, always used to be referred to by their places of manufacture. In fact, they became so closely associated that the place name sometimes substituted totally for the product or generic name. A Chanderi without any product name is understood by the discerning customer as referring to Chanderi sari only.

An indications related to certain goods, whether naturally found, agriculturally cultivated or manufactured in a particular territory of a country or a region or locality have specific characteristics with regard to taste, aroma or quality are called geographical indication. As per

section 2(1)(f) of The Geographical Indications of Goods (Registration and Protection) Act, 1999 (GI Act), goods mean any agricultural, natural or manufactured goods or any goods of handicrafts or of industry and include foodstuff. These goods are marketed on the basis of their appellation of origin or geographical indication. Basmati rice, Darjeeling tea, Nagpur orange, Kashmiri apple, Bikaneri Bhujia, Benaras silk, Peris perfume, Scotch whisky, Russian vodka, French champagne are some examples.

According to Addor and Grazioli (2002), GIs are distinctive signs which permit the identification of products on the market. If they are used in the proper way and are well protected, they can become an effective marketing tool of great economic value. GIs indeed convey the cultural identity of a nation, region or specific area. They make it possible to add value to the natural riches of a country and to the skills of its population, and they give local products a distinguishable identity.

Geographical indication tag is different from trade mark. A Trademark is a sign, which is used in the course of trade, and it distinguishes goods or services of one enterprise from those of other enterprises. Whereas, a Geographical Indication is an indication used to identify goods having special characteristics originating from a definite Geographical Territory. The object of trademark is to protect property right whereas the object of geographical indication is to protect public property because the right to use geographical indication is available to group of persons who are authorised users. Similarly, unlike trademark, the geographical indication being a public property cannot be the subject-matter of assignment, transmission, licensing, pledge, mortgage or any other agreement.

The geographical indication goods of Madhya Pradesh state includes Chanderi fabric (handicraft), leather toys of Indore (handicraft), Bagh prints (handicraft), bell metal ware of Datia and Tikamgarh, Maheshwar sarees and fabric (handicraft), Ratlami Sev (food stuff).

Geographical indication registration confers legal protection to the products, prevents unauthorised use of a geographical indication by others, helps consumers get quality products of desired traits, promotes economic prosperity of producers of goods by enhancing demand in national and international markets.

Benefits of Geographical Indication

1. Local Production- Geographical indication support and protect local production. It is mostly untouched by industrialization, originating in villages or small towns.
2. Local Employment- Geographical indication generates local employment directly or indirectly. It prevents rural emigration.
3. Culture- Geographical indication protects and promotes traditional culture. As consistent quality is must in GI branded goods, so while making, unique or specific production methods followed. Geographical indication values identity, culture and local know-how.
4. Local Governance- Geographical indication empowers the local institutions engaged in the production of specific goods. It also promotes regional co-operation.
5. Environment- Geographical indication promotes environment preservation and biodiversity conservation. It tend to value the land and its particular agro-ecological characteristics.

The Indian G.I. Act

The Indian parliament passed the Geographical Indications Act (Registration and Protection) Act 1999 in December 1999. The act has come into force with effect from 15th September 2003. Under this act, the Central Government has established a "Geographical Indications Registry" with all India jurisdictions at Chennai, where the right-holders can register their respective GIs. The Object of the GIs of Goods (Registration and Protection) Act, 1999 is three fold, firstly by specific law governing the GIs of goods in the country which could adequately protect the interest of producers of such goods, secondly, to exclude unauthorized persons from misusing geographical indications and to protect consumers from deception and thirdly, to promote goods bearing Indian geographical indications in the export market.”

3. Geographical Indication and Make In India

As above mentioned, it is one of the objectives of the Make in India programme to improve and protect the intellectual property regime. Geographical indication is one such intellectual property right which is less discussed in this context. It is observed that the role and scope of geographical indications in make in India programme has perhaps remained unnoticed. There are some strong economic justifications for why geographical indication suits best for make in India programme.

Millions of people in India depend upon traditional activities for their livelihood. Geographical indications generally draw upon products such as agriculture, fisheries, handicrafts and artisanal products. Any trade advantage obtained from the GI status is basically pro-poor. This is in contrast with the other forms of IPR such as patents and trademark where gainer are mostly rich people. In make in India programme, better protection and marketing of GIs could directly contribute to reduction of absolute poverty through increased local inflow of incomes and employment opportunities.

Around 70 percent of Indian population live in villages and small towns. Most of the GI goods like Chanderi fabric, Maheshwari sarees, Pochampally Ikat, Kullu shawl, Ratlami sev, Kangra tea etc are produced in villages and small towns by rural communities over generations. They are produced with local supports. If through make in India programme these things are promoted than there will be production of goods for consumers, employment for local population. As most of the geographical indication are specific to a particular region, so there will be socio-economic development of the region. It is also a rural development.

So promotion of GI reduces vulnerability to rural poor and thereby reduces migration from rural to urban areas by retaining the rural farmers on their farm lands. This has two significant implications- first the local indigenous knowledge does not perish, in fact it grows into a more polished form and second the reduction in migration rate reduces the burden on urban areas which are often overcrowded in India.

The Make in India initiatives aims at high quality product. Most of the GI products are unique because they can be produced only in a certain geographical region and they become reputed because they have certain quality traits. The important issue about these products is the link between their quality characteristics and the geographical attributes of the region. Such products are mostly agricultural commodities, handicraft items, herbal medicines. These render a unique value to the product and make replication of these goods elsewhere impossible. GI assures the quality of product. These qualities and uniqueness of the product create an image in the eye of consumers. So product become a brand for consumer. Today everyone is obsessed with brand. A brand attributes an identity to a product or service. It creates a visual and emotional connection

between consumer and the producers. When customers buy a product with a certain brand attached to it, they do so keeping in mind the values that the brand claims to uphold. The product or service the consumer buy and the quality experience they receive is what persuades them to buy the same brand again. Since GI is in itself a brand, so in make in India programme, product/goods do not need specific branding.

The Make in India programme also aims at minimising the impact on environment. GI promotes environment preservation and biodiversity conservation. GIs tend to value the land and its particular agro-ecological characteristics that impart unique organoleptic aspects that may be difficult to replicate in other regions or countries.

Promotion and protection of geographical indication in make in India programme may spur tourism in the region. Popularity of the GI goods create an image for the region that helps the tourism sector to develop. And this development of tourism can be ploughed back to support local businesses and community development.

GI-branded goods can be made 100 percent in India without the need for any foreign direct investment. In Make in India programme, such thing promotes 'swadeshi' ideology absolutely. The Swadeshi ideology promotes indigenous products and believes in self sufficiency of Indian people.

4. Conclusion

Each and every part of India produces some specific product which has special quality or reputation attributable to its geographical origin and the product is famous for that. If through Make in India programme GI-branded goods are promoted than there will be creation of local employment and overall socio-economic development of the region. In this way, make in India programme can be reached up to village level and participation of almost all the population of the country can be ensured. In this way, it can be said that the stairs of Make in India programme is through geographical indications. Geographical indication can play a very important role in Make in India programme.

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