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Study on compulsory requirement for registration of products under GI

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Abstract

The Quality and place of origin of GI registered products are dependent of Quality and the place of origin; these are non-parametric studies. Therefore, the researcher assumes during GI registration, the unique and specialty of that particular region is considered (on the basis of secondary data www.iprindia.org National Intellectual Property).

Keywords: TRIPS, origin, quality, regional speciality, registration, uniqueness

1. Introduction

The multilateral trading system under WTO has provided a protection to the intellectual property of the innovator through a trade rule called “Trade Related Aspects of Intellectual Property Rights” (TRIPS). The TRIPS under its arena includes a number of Intellectual Property Rights (IPR) to protect the designs, patterns, concepts, intellectual innovations and trade secrets etc. These IPRs confer legal recognition of ownership to the intellectual property innovated by the person or group of persons or a community of people in a geographical region and so on. Three important laws under TRIPS, which have become significant under fair trade and protection of intellectual property of the innovator, are Geographical Indication (GI), Trademarks and Patent. Typically, these rights can be exploited commercially for individual or social benefits.

2. Socio -Economic

^[1] GI contributes more effectively to the socio-economic development of many regions of the world. They also create and support jobs and encourage diversification in productions allowing producers and manufacturers to dedicate themselves to the commercialization of traditional products in response to the demands of quality-conscious consumers. GIs also contribute to the conservation of natural resources and the preservation of traditional knowledges and cultural heritages often reaching back to distant ancestors.

^[2] The GI is the newest addition to IPRs and defined as indications which identify a good originated from the territory of a member country or a Region or a locality of that territory where a given Quality, reputation or other characteristics of a good are essentially attributable to its geographical origin. In other words, some geographical regions acquire reputation of origin of a product with some specific quality and uniqueness. The GI can be extended to a variety of products, which have traditional and intellectual roots

With the integration of world market under the framework of WTO, the protected market of these producers have been threatened in form of mass copying, duplication by unauthorised producers and hence the livelihood of the artisans are at threat on account of unethical competition. The competition comes both from the domestic market as well as from the global predators. In order to protect these art styles, their livelihood and the interest of the consumers, the GI inclusion of GI in the TRIPs Agreement and subsequent implementation by member countries in form of Acts would be GI contributes more effectively to the socio-economic development of many regions. It also creates and support jobs and encourages diversification in production for commercialization of traditional Knowledge in response to the demands of quality-conscious consumers.

3. Background of Kanchipuram silk in India

Kanjeevaram silk saree is a magnificent creation of the craftsmen living in a small town,

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² Guide to geographical indications linking products and their origins

Kanchi (Kanchipuram), situated near the Bangalore city of South India. The saree has been named after the town in which it is produced. The silk used in the creation of Kanjivaram saree is extremely fine as well as durable and is one of the most popular forms of silk in the state of Tamil Nadu. The bold and bright color of the sari is very much preferred by the South Indian women, whose Paintings. However, these days one can see scenes from great epics, Ramayana and Mahabharata, along with the Bhagwad Gita being used as motifs. Tribal designs as well as contemporary patterns are also seen.

^[3] The sheer magnitude of textures, colors and designs of Kanjivaram silk saris of India is incredible. Simple saris can be prepared in about 10 to 12 days. However, decorative ones require up to 20 days of workmanship. Kanjeevarams are expensive and can cost anywhere between Rs. 2000 to Rs. 50,000. The cost of the saree depends upon the amount of zari intertwined with the silk. The more the zari work, the more expensive the sari will be making of a Kanjeevaram Silk Saree. The procedure of making an Indian Kanchipuram sari commences with the task of preparing the thread, which is used at the weaver's loom. This involves, first, twisting the thread and then, dying and drying it in the sun. The border, the body and the pallu of the sari are created separately by the weaver. Then, he interlocks them together in an extremely tight joint.

A protected product under GI since will have a Quality of its own to main its reputation, the consumers of the product will benefit from purchasing quality products. Since, the opening of the market has happened from 1 st January 2005 and registration of unique products of textiles and clothing under GI has taken up more recently, a study in this direction is the call of the day. Therefore, the researcher had framed the following Hypothesis to analysis the registration procedure. Hypothesis as follows:

4. Hypothesis of the study

H1: Registration of Geographical Indication is dependent on place of origin and quality of product

The above hypothesis was designed to study whether the registration procedure in Geographical Indication is dependent to check the place of origin and quality of product. In other words, whether the genuine procedure is used to check the origin to register under GI.

Ho: Registration of Geographical Indication is independent of place of origin and quality of product

The researcher felt need to formulate the above hypothesis to determine whether traditional strongly positioned unorganized sellers and genuine sellers are checked with the origin and quality for registering under GI.

In order to study the Hypothesis, the research had collected details on GI procedure. The major factors considered to register GI is:

- Place of origin
- Special regional quality of goods produce

This study in limited to the registration procedures of silk apparel under geographical indication and its commercial implication, promotions in Mumbai market. Silk traders includes whole seller, Semi-whole seller, Retailers and Consumers in Mumbai metro.

The researcher will be studying only Kanchipuram Silk registrations and market reality in Mumbai. The reason the study silk fabric is because 'Silk 'has been intermingled with the life and culture of the Indians. Though India is producing all the varieties of silk *i.e.*, dress materials, scarves/stoles, readymade garments, etc., the silk sarees are unique. The saree is almost synonymous with the word silk. It is the traditional costume of Indian woman since time immemorial. The silk sarees of India are among the living examples of the excellent craftsmanship of the weavers of the country. Over the years, regional centers sprung and developed specialties a particular pattern of design / weaving. They are being identified for its Uniqueness in Quality and Designs in domestic as well as foreign market. ^[4] These Regional specialties in silk apparels needed identification and protection. So since 2003 many associations of silk apparels from different states came forward to registered silk product under geographical indications to protect the interest of the sellers and the consumers. Even though silk apparels are quoted high, but every Indian prefers for the silk apparel in their various religion occasions and celebration. Therefore, there is demand for different types of silk in overall India. Mumbai is also attractive market for silk apparel due to its multi-culture approaches and trend-oriented buyers.

5. Testing of hypothesis

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6. Qualitative Data Analysis

The methodology for the study encompassed both secondary research and primary field survey. The primary data includes the focus group of Kanchipuram silk supplier and GI office examiner.

The researcher had visited Geographical Indication registration, Chennai office and 15 suppliers and 20 sellers of Kanchipuram silk sarees in Mumbai Metro region. The secondary research involved literature survey and organization of secondary source information on various parameters. The data collection from the secondary sources were carried out in the important libraries such as Textiles Committee, Tata Institute of Social Sciences, Office of the Textile Commissioner, Silk and Art Silk Manufacturers Industries Research Association (SASMIRA) and personal contacts with personalities associated with the industry. The Hypothesis required secondary data ie qualitative analysis on the data collected through journal of GI. From the secondary data collected:

The Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement defines Geographical Indications "as identifying 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". It also requires that all WTO Member countries establish basic provisions (unspecified) for the protection of GIs (art. 22.1).

Origin product is a general term that applies to any product whose origin is either (a) implicitly known by the consumer due to long-lasting association of the product with its place of origin, or (b) explicitly identified with that place via a label identifying a GI, regardless of whether the GI is protected.

Sui generis A Latin expression, literally meaning Unique in its characteristics or of its own kind. In intellectual property law this expression is mainly used to identify a legal classification that exists independently of other categorizations due to its uniqueness or the specific creation of an entitlement or obligation. Terroir A terroir is (1) a delimited geographic space, (2) where a human community, (3) has constructed over the course of history a collective intellectual or tacit production know-how, (4) based on a system of interactions between a physical and biological milieu, and a set of human factors, (5) in which the socio-technical trajectories put into play, (6) reveal an originality, (7) confer a typicality, (8) and can engender a reputation, (9) for a product that originates in that terroir. For more detail see Map and details gazatted documentation of Kanchipuram registration.

Since this study is going to quantify the word 'Origin of place of registration of the Kanchipuram silk fabric, the study had examined and studied the documentation on website journal used for registration. The gazatted document of Kanchipuram has been included in Annexure ___ page.

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To test the third hypothesis Chi-square test is used along with a simplified table. The responses are represented in the following table:

GI is an umbrella term whose overall purpose is to distinguish the identification of a product's origin and its link with particular characteristics related to that origin. In some cases they are not formally or legally registered but operate commercially. When GIs are legally registered they take different forms such as AO, DO, PDO, PGI, and Marks. Protected Designation of Origin (PDO) standard, Appellations of Origin,

For more, see Barham (2003) and Casabianca *et al.* (2005.) TSG – Traditional Specialty Guaranteed (EU) A TSG in the EU means that a product must be traditional, or established by custom (for at least one generation or 25 years) and have characteristics that distinguish it clearly from other similar agri-food products. TSGs may have geographic affiliations but their production can take place anywhere in the world, subject to appropriate controls, so they are not treated as GIs here. Tirupati Laddu, Mahimhalawaare well-known examples.

7. Conclusion

Certain regions in India have been very successful in boosting the incomes of their farmers, processors and suppliers by capitalizing on the advantages they have of being associated with a particular geographic location. Such distinctive and some of them are even world-famous products Kanchipuram Silk, Ikta Silk, Kashmir Pashmir Silk bear the unmistakable stamp of their region or place of

origin. They are identified in many consumer markets and in regulations as GIs. The comparison on regional Map and the climatic condition.

These regions or places, and their participants, have benefited from significant economic development by increasing the returns gained from utilizing their natural resources and establishing a solid form of competitive advantage. Many GIs have come to be especially valued in the global marketplace. While a total of 167 countries are now protecting GIs as a form of intellectual property, and a substantial number have registration processes in place, such Intellectual Property (IP) systems are relatively new to many developing countries and may differ from one to another. GIs can be the organizing principle or centerpiece of regional and local development initiatives. However the genesis of Geographical Indication comes to the mind of the weavers and the implementation aspects of the registration. The registration process and filing of application. How the registration under GI Act has removed the pre-existing constraints of the viewers and boosted the market size, productivity, and brand building of the product.

Registration of product under GI gives protection as well as raise the market share of the silk sarees but the market is surrounded with various unauthorized seller too. Thus, is necessary to have awareness mechanism of GI to seller as well as buyers.

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