



ISSUES AND CHALLENGES IN THE MARKETING OF GI CERTIFIED AGRICULTURAL PRODUCTS

¹ MANOJ .M ² Dr. A.SULEKHA

¹ Phd. Scholar, VLBJ College of Arts and Science, Coimbatore

² Asst. Professor and Head of the Department of VLBJ College of Arts and Science, Coimbatore

ABSTRACT

Today intellectual property occupies a prominent position in the economic and social life of society. The licensed innovation incorporates the products or manifestations of the psyche. The intellectual property laws target shielding the interests of makers by conceding them certain time-constrained rights to control the utilization made of those item benefits. Thus, the intellectual property framework helps find some harmony between the interests of innovators and the public enthusiasm, giving a condition in which imagination, what is more, development can prosper, for the advantage of all. In the present growing world wide economy. India is a place where there is a treasure, blessed with rich regular assets of farming items and different merchandise of high monetary worth. Rustic people in different districts of our nation have one of a kind aptitude and ability to create high-quality items like crafted works, adornments, materials other related items and they are engaged with the above expertise for a few ages. This research deals with the issues and challenges of Geographical Indication in India. The scope of the study is to identify various issues faced by the producers or manufacturers of GI and to suggest measures to solve those issues.

Keywords: Intellectual property, Geographical Indication, licensed innovation

INTRODUCTION

The importance of the geographical indication is emerging, especially in developing countries, with an intention to protect the authenticity of rural products. A geographical indication is a signature that verifies the authenticity and also the place of origin of that product having unique features. As per TRIPS agreement the definition of GI 'indications which 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' i.e., a product originating at a particular place having some reputation or characteristics or being manufactured/produced by a particular community are only eligible to get the GI tag. a product originating at a particular place having some reputation or characteristics or being manufactured/produced by a particular community are only eligible to get the GI tag. Thus, GI is a tool to promote the goods of a particular area. Some of the famous GIs in the world are Real California Cheese, Scotch Whisky, Basmati for rice, Pilsen and Budweis beers, Tuscany for olive oil, Florida Oranges, New Zealand Lamb, Darjeeling Tea, Swiss watches, Indian Carpets, Sherry, Chianti, Cognac.³ GI provides a clear distinction among similar products and helps to identify the genuine products.

OBJECTIVES

- To breaking down the different issues and difficulties of geographical indications concerning the makers and producers.
- To Give Recommendations and Suggestions to makers and Producers of Geographical indications products.
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SCOPE OF THE STUDY

This research deals with the issues and challenges of Geographical Indication in India. The scope of the study is to identify various issues faced by the producers or manufacturers of GI and to suggest measures to solve those issues.

RESEARCH QUESTIONS

- I. What are the issues and challenges faced by the producers of the products having a GI tag?
- II. Does the GI tag help to identify the real products?

REVIEW OF LITERATURE

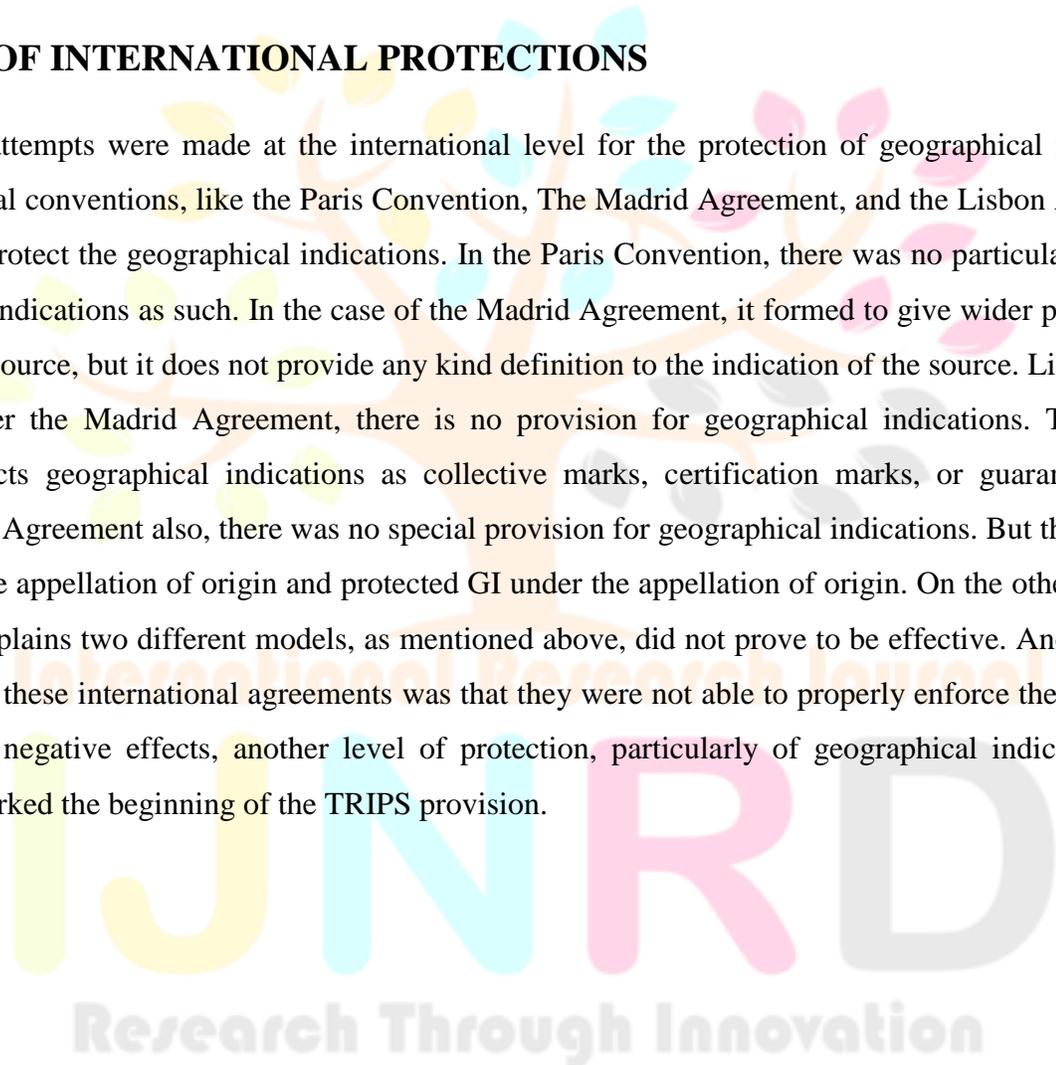
Geographical Indications is an outstanding class of intellectual property rights having the fundamental characteristics of aggregate possession, connecting an item with its place of starting point and makers of products. **Dev Gangjee**, in his book, is mainly about the cause of GI insurance and the procedure by which they have developed as a particular classification of the topic inside the universal Intellectual Property (IP). In this book, he explained the evolution of GI and also about various International Agreements. The book gives an understanding of the protection given earlier and after trips. **Dr R. Rangneka** went above and beyond and has broken down the different concerns like the distinction in extent of protection, cost concerns partner with actualizing GI augmentation. Finishing up his examination, the creator featured the requirement for additional investigation corresponding to the development of GI. In work done by **V.K. Ahuja** in Protection of

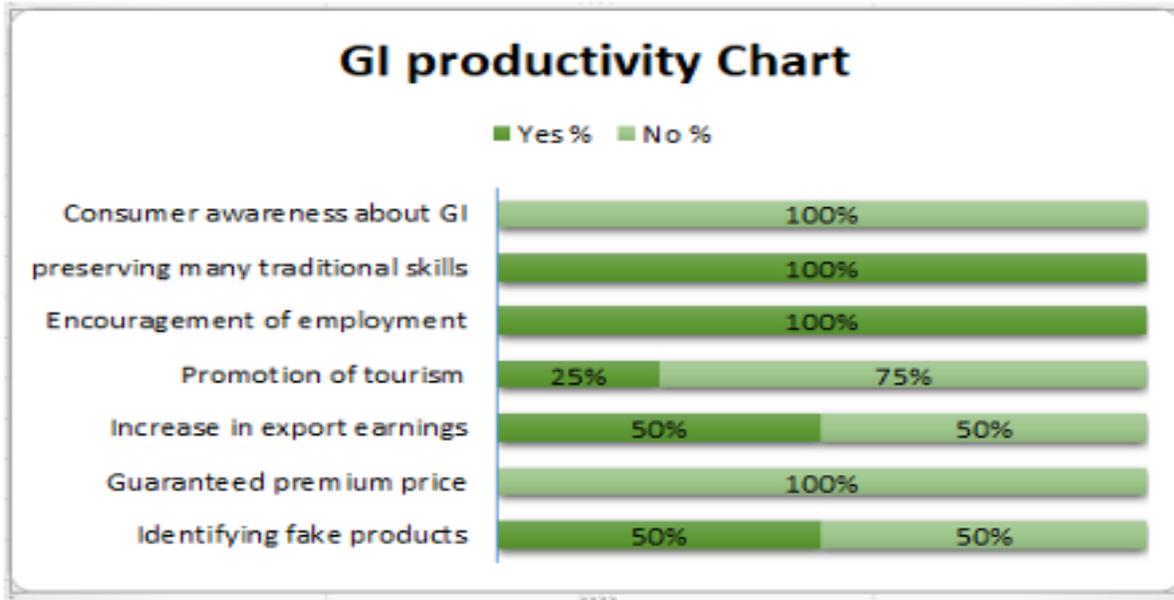
Geographical Indications: National and International Perspective deal with how GI is protected on an international level and national level. Further, in work done by **Kasturi Das**, Prospects and Challenges of Geographical Indications in India mainly talk about the GIGA Act and the issues relating to the act.

Manjunatha, N.K. studied the status of Geographical Indication in India especially in the state of Karnataka to explore the current scenario of GI in Karnataka state from 2003 to 2015. He revealed that in India 28 states have registered their GI, among them Karnataka alone registered 33 GIs up to 18th November 2015. **Yadav, Sujit Kumar**, describes the framework of GI, the process of product registration, and different classes for registration under GI in India. 289 GI tags have been issued in India for products related to agriculture, out of which only 24 products have been issued in Uttar Pradesh.

PROBLEMS OF INTERNATIONAL PROTECTIONS

A lot of attempts were made at the international level for the protection of geographical indications. These international conventions, like the Paris Convention, The Madrid Agreement, and the Lisbon Agreement, try to indirectly protect the geographical indications. In the Paris Convention, there was no particular provision for geographical indications as such. In the case of the Madrid Agreement, it formed to give wider protection to the indication of source, but it does not provide any kind definition to the indication of the source. Like the Paris Convention, under the Madrid Agreement, there is no provision for geographical indications. The Madrid Agreement protects geographical indications as collective marks, certification marks, or guarantee marks. Under the Lisbon Agreement also, there was no special provision for geographical indications. But they inserted a provision for the appellation of origin and protected GI under the appellation of origin. On the other hand, the bilateral treaty explains two different models, as mentioned above, did not prove to be effective. Another major issue faced by all these international agreements was that they were not able to properly enforce the protection. Due to all these negative effects, another level of protection, particularly of geographical indications, was required. This marked the beginning of the TRIPS provision.





From the above chart, all the manufactures/producers with whom I discussed with, unequivocally mentioned that GI has helped in preserving their custom and tradition and also to an extent helps in the increase in the production, in turn, increasing the employment rate. But the only concern raised by all of them is the lack of awareness among consumers about GI. Another major concern raised by the producers and manufactures was related to the identification of fake products in the market. Up to a certain extent, the agricultural products like Navara, Palakkadan Matta, and Vazhakulam pineapple was successful in identifying and curbing fake products.

AWARENESS OF DIFFERENT IPR

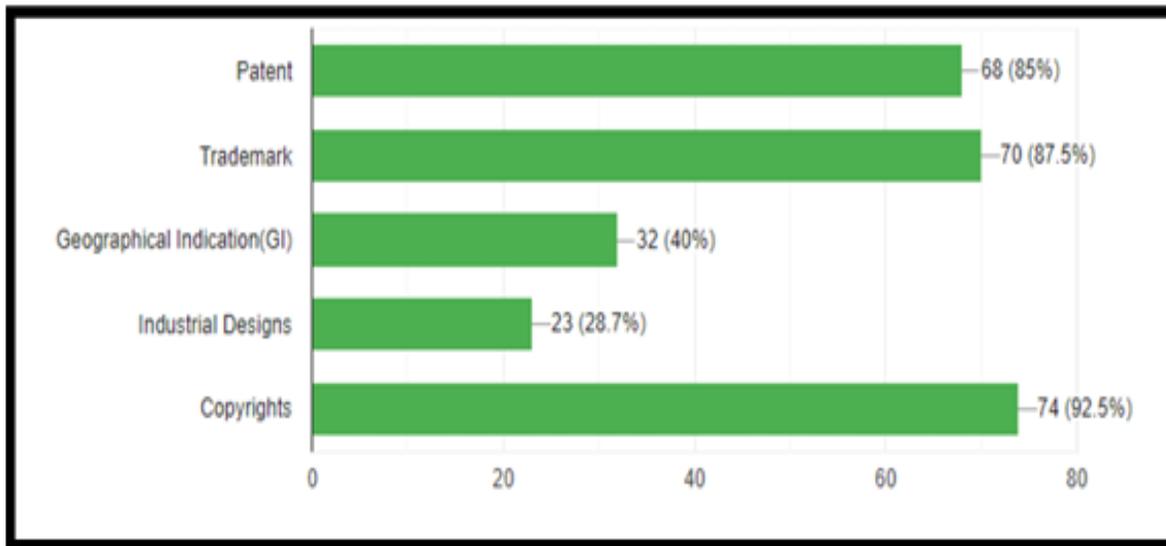


Fig 9

The above chart shows the awareness among different IPR among participants. From this chart, we can analyse that majority of participants are aware of terms like a trademark, patents and copyrights. Only 40% of the participants are aware of the GI.

CONCERNS RAISED BY THE PRODUCERS OF AGRICULTURAL PRODUCTS

In India, around 68.84% of people live in rural areas. Though agriculture is their primary occupation, they are also indulged in various occupations like handicrafts such as pottery, weaving. They are also engaged in small scale industries. These occupations also add value to the economy of our country. Thus, there are a lot of measures taken by the state and central government, respectively, to enhance the rural community through different methods. The Geographical Indication is one such measure adopted by the Central Government passed under the GI Act 1999 to improve the condition, quality, and standards of the products with certain regional or geographic characteristics. There are in total 370 registered geographical indications in India distributed among categories like Agricultural, Foodstuffs, Handicrafts, Manufactured and Natural. The below chart provides the percentage share of each category from 2004 to 2020.

The primary concern that was raised by all three producers of agricultural products that have obtained the GI tag was regarding the climate change that was adversely affecting the growth of their products. The excessive rise in the atmospheric temperature has also led to extreme rainfalls and climate change, resulting in reduced production of the yield due to the damages caused. Another concern raised by the producers is that the awareness about the legal aspects of GI or the implementation of the law related to GI is very minimal, or in some cases, it is not even getting addressed as per the GI act. This leads to a spike in manufacturing and marketing of fake products, which misleads the public. They have also mentioned that initially, they did not receive any help from central and state governments with respect to premium pricing and marketing.

SUGGESTIONS

- Make the consumers aware of GI.
- The concerned government authority must ensure the laws pertaining to GI must be appropriately enforced against production and manufacturing of duplicate products which are registered under GI.
- . The government must set a premium price for all products registered under GI. This will promote and encourage the producers of these products not to deviate from the traditional approach.
- The government must undertake worldwide marketing of these products and promote these products as an exclusive category brand which can be termed as GI brand.

CONCLUSION

The study reveals that the GI Act fails to protect the interest of producers. While conducting the empirical study, one of the producers/manufacturers said that there is a law relating to GI, but it is not getting enforced. The concerned authorities are not at all aware of it. Another issue raised by the producer is that the act fails to prevent the unauthorized use of goods. Consumers are mostly buying the GI registered product only because of its popularity. Hence, we can make out that the GI Act fails to achieve its core objectives. Suggestions

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