

**GEOGRAPHICAL INDICATIONS IN INTELLECTUAL
PROPERTY RIGHTS: SPECIAL REFERENCE TO THE
STATE OF MAHARASTRA**

Dr. Uddhav R. Aghav
Librarian (Asso. Prof.)
Arts, Comm. & Science
College, Gangakhed
Dist. Parbhani (M.S.)
druddhav2012@gmail.com

9423170520

Dr. Vishavraj S. Chimangunde
Asstt. Prof. in Dept. of Geography
Arts, Comm. & Science
College, Gangakhed
Dist. Parbhani (M.S.)
chimangundev2012@gmail.com

9421460188

Abstract:

The present paper deals with the Intellectual Property Rights in India. Trade Related Property Rights has given the different IPRs which include Geographical Indicators (GI) Tags for Agricultural, Handicraft, Manufactured goods, Industry & food stuff originating or manufactured in the territory of a country or a region or locality. GI of Goods (Registration & Protection) Act, 1999, came into force since 15/09/2003. Under this act from April 2005 to March 2019 Maharashtra & neighboring states have registered 33 GI Tags for various goods. It's a very good sign for promoting the goods and get the benefit to the region.

Keywords:

Intellectual Property Rights (IPRs), Intellectual Property (IP), Trade Related Property Rights (TRIPs), Geographical Indications (GI) Tags, GI of Goods Act, 1999. Registration details filed by Maharashtra & neighboring states. World Intellectual Property Organization (WIPO)

1. Intellectual Property Rights (IPR):

The great scientist Dr. R.A. Mashelkar, the President, Indian Innovation Foundation and National Research Professor felt that, "21st centuries will be the century of knowledge, indeed the century of the mind. Innovation is the key for the production as well as processing of knowledge into wealth and social good through the process of innovation, will determine its future. In this context, issues like generation, valuation, protection & exploitation of intellectual property (IP) are going to become critically important all around the world. Exponential growth of scientific knowledge, increasing demands for new forms of intellectual property protection as well as access

to IP related information, increasing dominance of the new knowledge economy over the old brick and mortar economy, complexities linked to IP in traditional knowledge, community knowledge and animate objects, will pose a challenge in setting the new 21 st century IP agenda.

The resulting outcome of human intelligence is known as 'Intellectual Property' It is therefore, essential to protect such IP so that nobody else can enjoy the fruits of others efforts.

IPR can be defined as the rights given to persons over the creations of their minds. They usually give the creator an exclusive legal right over the use of his/her creation for a certain period of time and thus protect the owner against unauthorized copying of imitation.

As per TRIP(Trade Related Intellectual Property Rights),the types of IPRs are ;

- I) Patents
- II) Copyright and related rights
- III) Geographical Indications
- IV) Industrial designs
- V) Trade marks
- VI) Layout designs of integrated circuits
- VII) Trade secrets (undisclosed information)

We are interested in Geographical Indications i.e. GI Tags which is a type of IPRs. GIs are a branch of IPR which deals with identification and attribution of a product of a product to a specific geographic location.

2. Geographical Indications (GI)Tags:

2.1 Introduction to GI Tags:

Ageographical Indication (GI) is a sign used on products that have a specific geographical origin and possess qualities or a reputation that are due to that origin.

In order to function as a GI, a sign must identify a product as originating in a given place. In addition, the qualities, characteristics or reputation of the product should be essentially due to the place of origin. Since the qualities depend on the geographical place of production, there is a clear link between the product and its original place of production.

Some products are unique because they can be produced only in a certain geographical region and they become reputed because they have certain quality traits, for instance products such as Champagne, Scotch or Basmati Rice. The important aspect about these products is the link between their quality characteristics and the geographical attributes of the region where these products are being produced and manufactured.

The quality of these products was attributed to various factors such as climatic conditions, soil fertility, availability of specific raw materials, manufacturing skills

and techniques specific to the region. The marks associated with these products gave the consumer the confidence as to its quality.

GIs are recognized as tools for securing the link between product quality and the region of geographical origin. GIs are associated with unique product that embodies rich cultures and history.

GIs make it possible to add value to the natural riches of a country and to the skills of the population, and they give local products a distinguishable identity.

2.2 Definition of GI:

TRIPS agreement has specifically defined GIs under Part II, Section 3, Article 22.1 TRIPS states that, 'Geographical Indications are, for the purposes of this Agreement, 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'.

The World Intellectual Property Organization (WIPO) states that GIs are 'a sign used on goods that have a specific geographical origin and possess qualities, reputation or characteristics that are essentially attributable to that place of origin. Most commonly, a geographical indication includes the name of the place of origin of the goods'.

From the above two definitions it can be seen that, 'A Geographical Indications identifies a good as originating in a delimited territory or region where a noted quality, reputation or other characteristic of the good is essentially attributable to its geographical origin and/or the human or natural factors there.

2. Act:

Geographical Indication of Goods (Registration & Protection) Act 1999 came into force since 15-09-2003.

This Act is administered by the Registrar of Geographical Indications i. e. Controller General of Patents & Designs. Registry is located at Chennai. GI registration provides the registered proprietor and the authorized user the exclusive right to protect the registered GI on the specified goods. GI protection enables them to develop their market and increase returns. Goods which can be registered are Agricultural, Natural, Goods of Handicrafts, Industry, Manufactured goods & Food stuffs originating or manufactured in the territory of a country or a region or locality. Where a given quality, reputation or other characteristic of such goods is essentially attributable to its Geographical origin. Any association of persons or authority established by or under law representing the interest of can apply for registration.

(For any queries www.ipindia.nic.in)

4.Registration Details of Geographical Indications in Maharashtra and adjutant states:

Table No.1

Sr. No.	Application No.	GI Tags <u>From April 2005-March 2006</u>	Goods(As per sec2(f0 of GI Act,1999	State
1	8	SolapurChaddar	Handicraft	M.S.
2	9	Solapur Terry Towel	Handicraft	M.S.
3	128	<u>From April 2009-March 2010</u> PuneriPagadi	Handicraft	M.S.
4	123	<u>From April 2010-March 2011</u> Nasik Valley Wine	Manufactured	M.S.
5	150&153	PaithaniSarees&Fabricks	Handicrafts	M.S.
6	154	Mahabaleshwar Strawberry	Agricultural	M.S.
7	165	Nasik Grapes	Agricultural	M.S.
8	239	<u>From April 2013-March 2014</u> Warli Painting	Handicraft	M.S.,Gujrat, Dadara&Nagar Haveli,Daman Diu
9	240	Kolhapur Jagger	Agriculture	M.S.
10	285	Nagpur Orange	Agricultural	M.S.&M.P.
11	470	<u>From April 2015-March 2016</u> AjaraGhansai Rice	Agricultural	M.S.
12	472	MangalwedhaJowar	Agricultural	M.S.
13	474	Sindudurg&Ratnagiri Kokum	Agricultural	M.S.
14	476	WaghyaGhevada	Agricultural	M.S.
15	477	NavapurTur Dal	Agricultural	M.S.
16	489	Vengurla Cashew	Agricultural	M.S.
17	491	Lasalgaon Onion	Agricultural	M.S.

18	490	<u>From April 2016-March 2017</u> Sangali Raisins	Agricultural	M.S.
19	494	Beed Custard Apple	Agricultural	M.S.
20	495	Jalna Sweet Orange	Agricultural	M.S.
21	471	Waigaon Turmeric	Agricultural	M.S.
22	500	Purandar Fig	Agricultural	M.S.
23	501	Jalgaon Bharit Brinjal	Agricultural	M.S.
24	502	Solapur Pomegranate	Agricultural	M.S.
25	473	Bhivapur Chilli	Agricultural	M.S.
26	478	Ambemohar Rice	Agricultural	M.S.
27	493	Dahanu Gholwad Chikoo	Agricultural	M.S.
28	498	Jalgaon Banana	Agricultural	M.S.
29	499	Marathwada Keshar Mango	Agricultural	M.S.
30	390	Karvath Kati Sarees & Fabrics	Handicraft	M.S.
31	139	<u>From April 2018-March 2019</u> Alphanso	Agricultural	M.S.
32	496	Sangali Turmeric	Agricultural	M.S.
33	169	Kolhapuri Chappal	Handicraft	M.S. & Karnataka

From the Table no.1, the registration details of GI Tags in Maharashtra & adjacent states shows (33) number of GI Tags registered From April 2005 to March 2019. Within the (15) year of span 33 GI Tags are registered. It can be concluded that for every year two (02) GI Tags have been registered by M.S. & neighboring states. In future we hope that the number will increase by creating awareness among the people & region.

5. Conclusion:

Every region has its claim to fame. The best of nature and man, traditionally handed over from one generation to the next for centuries. Gradually, a specific link between the goods and place of production evolved resulting in growth of geographical indications. GI have started to become a very important concept in commercial life and consumer market in recent years.

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