Bangalore Blue for Karnataka’s grape farmers

Part of: GS-III- Economy-WTO (PT-MAINS-PERSONALITY TEST)

- Bangalore blue grape, also simply called Bangalore Blue, is a variety of fox grape grown in districts around Bengaluru, Bengaluru rural, Chikkaballapur and Kolar districts.
- Its cultivation has been going on for the past 150 years in about 5,000 hectares.
- It has been given the Geographical Indication (GI) status in 2013. The Bangalore Blue got the GI tag for its specific geographic and indigenous variety.
- Almost all the growers of Bangalore Blue grapes are now in dire straits as their crops have started drying up with no buyers due to the COVID-19 lockdown.

What is GI Tag?

A GI or Geographical Indication is a name or a sign given to certain products that relate to a specific geographical location or origins like a region, town or country. Using Geographical Indications may be regarded as a certification that the particular product is produced as per traditional methods, has certain specific qualities, or has a particular reputation because of its geographical origin.

Geographical indications are typically used for wine and spirit drinks, foodstuffs, agricultural products, handicrafts, and industrial products. GI Tag ensures that none other than those registered as authorized users are allowed to use the popular product name. In order to function as a GI, a sign must identify a product as originating in a given place.

Who accords and regulates Geographical Indications?

Geographical Indications are covered as a component of intellectual property rights (IPRs) under the Paris Convention for the Protection of Industrial Property. At the International level, GI is governed by the World Trade Organisation’s (WTO’s) Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). In India, Geographical Indications registration is administered by the Geographical Indications of Goods (Registration and Protection) Act, 1999 which came into force with effect from September 2003. The first product in India to be accorded with GI tag was Darjeeling tea in the year 2004-05.

Benefits of GI Tags

The Geographical Indication registration confers the following benefits:

- Legal protection to the products
- Prevents unauthorised use of GI tag products by others
- It helps consumers to get quality products of desired traits and is assured of authenticity.
- Promotes the economic prosperity of producers of GI tag goods by enhancing their demand in national and international markets.
Along with the benefits, there are certain issues associated with GI tags as well. Off late, there has been a rise in disputes over the question of the place of origin of the product under consideration. This gets aggravated due to a lack of clear historical evidence.

For example, the disputes surrounding the origin of Roshogulla, a popular dessert, from eastern India. Both West Bengal and Odisha claim that the dessert originated in their own states. By ‘winning’ a GI tag, each state is looking to promote its own cultural and regional jingoism over the other.

This sort of unhealthy competition tends to polarise the country on regional, cultural and linguistic lines. Most states in their rush to corner as many GI tags as possible have forgotten to pay attention to enhance the value of products already having a GI tag.

As a result, neither the local community nor the customer is benefitting economically. This trend undercuts the very idea of GI protection to native endemic products.

**Significance of GI Tags**

A geographical indication right facilitates those who have the right to use the indication to prohibit its usage by a third party whose product does not conform to the applicable standards.

For example, in the purview in which the Darjeeling geographical indication is protected, producers of Darjeeling tea can omit the term “Darjeeling” for tea not grown in their tea gardens or not produced according to the norms set out in the code of practice for the geographical indication.

However, a protected GI does not permit the holder to forbid someone from making a product using the same approaches as those set out in the standards for that indication. Protection for a GI tag is usually procured by acquiring a right over the sign that constitutes the indication.

**Role of GI in Rural Development**

Geographical indications are mostly traditional products, produced by rural communities over generations that have gained prominence on the markets for their precise qualities.

The recognition and protection of the markets of these products allow the producers’ community to devote and maintaining the precise qualities of the product on which the reputation is built. This might also allow them to invest together in promoting the reputation of the product.

Some of the observed rural development impacts of GI are:

- The supply chain is structured around a common product reputation
- Increased and stabilised prices for the GI product
- Distributed through all the levels of the supply chain adds value
- Natural resources can be preserved on which the product is based
- Preservation of traditions and traditional expertise
Tourism can be boosted

Geographical Indications Protection

Geographical indications are protected and preserved in various countries and regional systems through a wide array of approaches and often using a consolidation of two or more approaches.

There are **three major ways to protect a geographical indication:**

1. So-called sui generis systems (i.e. special regimes of protection)
2. Using collective or certification marks
3. Techniques concentrating on business practices, including administrative product approval schemes.

These approaches have been developed in consonance with different legal practices and within a framework of individual historical and economic conditions.

The approaches to protect GI comprise of differences with respect to critical questions like conditions for protection or the scope of protection. On the other hand, the two modes of protection mentioned above namely sui generis systems and collective or certification mark systems, share some common characteristics, such as the fact that they set up rights for collective use by those who comply with defined standards.

Way Forward for GI

- The tag for geographical indications needs to be allotted only after a thorough historical and empirical inquiry.
- for products whose origin can’t be effectively traced, either both the states should be given ownership or none of the regions be provided with the GI tag.
- The focus of the states and the community needs to shift from mere certification for the sake of regional and instead divert all resources towards active promotion of the product and its respective industry.

Summary of Geographical Indications in India

- Geographical Indications of Goods are defined as that aspect of industrial property which refers to the geographical indication referring to a country or to a place situated therein as being the country or place of origin of that product.
- **Under Articles 1 (2) and 10 of the Paris Convention for the Protection of Industrial Property, geographical indications are covered as an element of IPRs.**
- Typically, the GI tag conveys an assurance of quality and distinctiveness which is essentially attributable to the fact of its origin in that defined geographical locality, region or country.
- They are also covered under Articles 22 to 24 of the TRIPS -Trade-Related Aspects of Intellectual Property Rights Agreement, which was part of the Agreements concluding the Uruguay Round of GATT negotiations.
Promoters of Geographical indications regard them as strong tools for protecting their national property rights. Opponents, however, consider GI as a barrier to trade.

<table>
<thead>
<tr>
<th>Products</th>
<th>Categories</th>
<th>States</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kandhamal Haladi</td>
<td>Agricultural</td>
<td>Odisha</td>
</tr>
<tr>
<td>Rasagola</td>
<td>Food Stuff</td>
<td>Odisha</td>
</tr>
<tr>
<td>Kodaikanal Malai Poondu</td>
<td>Agricultural</td>
<td>Tamil Nadu</td>
</tr>
<tr>
<td>Pawndum</td>
<td>Handicraft</td>
<td>Mizoram</td>
</tr>
<tr>
<td>Ngotekherh</td>
<td>Handicraft</td>
<td>Mizoram</td>
</tr>
<tr>
<td>Hmaram</td>
<td>Handicraft</td>
<td>Mizoram</td>
</tr>
<tr>
<td>Palani Panchamirtham</td>
<td>Food Stuff</td>
<td>Tamil Nadu</td>
</tr>
<tr>
<td>Tawlhlohpuan</td>
<td>Handicraft</td>
<td>Mizoram</td>
</tr>
<tr>
<td>Mizo Puanchei</td>
<td>Handicraft</td>
<td>Mizoram</td>
</tr>
<tr>
<td>Gulbarga Tur Dal</td>
<td>Agricultural</td>
<td>Karnataka</td>
</tr>
<tr>
<td>Tirur Betel Leaf (Tirur Vettila)</td>
<td>Agricultural</td>
<td>Kerala</td>
</tr>
<tr>
<td>Khola Chilli</td>
<td>Agricultural</td>
<td>Goa</td>
</tr>
<tr>
<td>Idu Mishmi Textiles</td>
<td>Handicraft</td>
<td>Arunachal Pradesh</td>
</tr>
<tr>
<td>Dindigul Locks</td>
<td>Manufactured</td>
<td>Tamil Nadu</td>
</tr>
<tr>
<td>Kandangi Saree</td>
<td>Handicraft</td>
<td>Tamil Nadu</td>
</tr>
<tr>
<td>Srivilliputtur Palkova</td>
<td>Food Stuff</td>
<td>Tamil Nadu</td>
</tr>
<tr>
<td>Kaji Nemu</td>
<td>Agricultural</td>
<td>Assam</td>
</tr>
</tbody>
</table>