

The Geographical Indications of Goods (Registration and Protection) Act, 1999: Empowering Indigenous Communities by Protecting Traditional Knowledge

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Abstract

The Geographical Indications of Goods (Registration and Protection) Act, 1999 represents a key legal framework for the protection of traditional knowledge and geographically linked products in India. This study examines the effectiveness of the Act in safeguarding traditional products and enhancing the socio-economic conditions of indigenous communities. Using a doctrinal legal approach supported by case study analysis of Darjeeling Tea and Pashmina Shawls, the research evaluates the impact of geographical indication registration on market recognition, employment generation, and export potential. The findings indicate that GI registration contributes to improved market differentiation, livelihood security, and international visibility of traditional products. At the same time, the study identifies persistent challenges, including procedural complexity, limited awareness, and financial constraints, which restrict equitable access to GI benefits. The paper argues that targeted capacity-building initiatives, simplified registration processes, and institutional support mechanisms are essential to strengthen the role of geographical indications as an effective tool for traditional knowledge protection and sustainable community development.

Keywords: Geographical Indications, Traditional Knowledge, Indigenous Communities Economic Empowerment, Cultural Preservation, Market Value

1. INTRODUCTION-

"In today's interconnected world where geographical boundaries have become increasingly permeable, global corporations have successfully penetrated even the most remote markets. While globalization has brought opportunities, it simultaneously poses significant challenges to rural products and their producing communities. Traditional local products face an existential crisis due to insufficient knowledge resources and financial constraints, risking their distinctive identity when competing against globally recognized brands. In this context, Geographical Indications (GI) emerges as a crucial solution, serving as a distinctive marker that connects products to their place of origin. The uniqueness of GI products stems from a complex interplay of geographical and environmental factors, including human expertise, natural conditions, or their combination, which collectively contribute to the product's distinctive quality, market reputation, and unique characteristics. Through GI protection, local

communities can safeguard their traditional products while competing effectively in the global marketplace, ensuring both cultural preservation and economic sustainability."¹

1.1 Overview of Geographical Indication act of 1999-

"The Geographical Indications of Goods (Registration & Protection) Act, 1999, was implemented in India in September 2003, marking a significant milestone in protecting traditional goods and knowledge. This legislation emerged from India's commitment to fulfill its obligations under the World Trade Organization's TRIPS Agreement.. Since its implementation, the granting of GI status has been a gradual process, with different products receiving protection at various intervals over the past two decades. This staggered implementation provides an interesting temporal dimension for studying the impact of GI protection, as products have varying durations of protection, allowing for comparative analysis of their effectiveness across different time periods. The varying lengths of GI protection enable researchers to evaluate both short-term and long-term impacts on product preservation, market performance, and community development."

"India presents a unique case in the realm of Geographical Indications (GI), distinctly different from European nations, with its predominant focus on handicrafts rather than agricultural products. This distinctive characteristic offers India a strategic advantage to enhance the global market position of its handcrafted goods while simultaneously improving artisans' living standards through premium pricing opportunities. The GI protection serves multiple purposes: elevating socio-economic conditions of marginalized communities, instilling cultural pride, and potentially rekindling interest among younger generations in traditional craftsmanship. It also presents a viable economic alternative for rural and semi-urban populations.

Taking Rajasthan as a case study, since the implementation of the GI Act (1999-2003), the state has secured ten GI registrations, with seven in the craft sector (excluding a logo registration). Notably, only two of these craft registrations originate from urban areas. This is particularly significant given Rajasthan's demographic composition, where according to the 2011 census, 75.13% of the population resides in rural areas, despite increasing urban migration trends among youth seeking better economic opportunities. Therefore, analyzing the impact of GI registration on traditional crafts and rural economics becomes crucial to understand both its potential benefits and areas requiring intervention, particularly in social and economic dimensions."²

(A) LITERATURE REVIEW

Existing literature on Geographical Indications (GIs) primarily examines their role as an intellectual property right and their contribution to enhancing the market value of region-specific products. Studies highlight the effectiveness of GIs in preventing misappropriation and strengthening market recognition, particularly within international trade contexts. Empirical research in the Indian crafts sector further demonstrates that GI registration can improve artisans' livelihoods through better pricing and market access.

Another strand of scholarship focuses on the protection of traditional knowledge within the global intellectual property framework, especially under TRIPS and WIPO instruments. These studies consistently note that conventional intellectual property regimes inadequately protect collective and intergenerational knowledge systems. In contrast, GIs are recognised as a sui generis mechanism that indirectly safeguards traditional knowledge by linking product quality and reputation to geographical origin and community-based production practices.

Critical legal analyses of India's GI framework identify persistent challenges, including procedural complexity, weak enforcement, and insufficient institutional support for producer communities. Despite extensive legal and economic scholarship, most studies address GI protection and socio-economic outcomes separately. There remains limited integrated analysis of how GI protection simultaneously preserves traditional knowledge and delivers tangible socio-economic benefits for indigenous communities. This study addresses this gap through a combined legal and socio-economic assessment under the Geographical Indications of Goods (Registration and Protection) Act, 1999.

(B) METHODOLOGY

This study adopts a **doctrinal and qualitative research design** to examine the role of Geographical Indications in protecting traditional knowledge and empowering indigenous communities in India. The research is primarily based on **doctrinal legal analysis**, focusing on statutory provisions, international instruments, and judicial and scholarly interpretations relating to Geographical Indications.

Data for the study are drawn from **primary sources**, including the Geographical Indications of Goods (Registration and Protection) Act, 1999, and relevant international frameworks such as the TRIPS Agreement and the Convention on Biological Diversity. **Secondary sources** include peer-reviewed journal articles, books, doctoral theses, official reports of international organizations, and publications of the Geographical Indications Registry of India.

A **case study approach** is employed to assess the practical impact of GI protection, with Darjeeling Tea and Pashmina Shawls selected due to their established registration status and clear linkage between geographical origin, traditional knowledge, and community participation. These case studies are analysed to evaluate market value enhancement, employment generation, and protection against misappropriation.

The study follows a **descriptive-analytical method** to interpret legal provisions and assess socio-economic outcomes based on documented evidence. No primary field surveys were conducted, and the research relies on publicly accessible data, ensuring transparency and reproducibility.

1.2 Concept of Traditional Knowledge-

"Traditional Knowledge represents a comprehensive body of wisdom deeply rooted in cultural heritage and passed down through generations. As defined by the World Intellectual Property Office (WIPO), it encompasses a broad spectrum of intellectual and creative expressions including literary works, artistic creations, scientific innovations, performances, inventions, discoveries, designs, symbols, and undisclosed information. This knowledge system is particularly distinctive in its cultural orientation, serving as a fundamental component of community identity and social cohesion. Traditional Knowledge manifests in various forms, from agricultural practices and medicinal wisdom to biodiversity management and cultural expressions such as music, dance, handicrafts, design, storytelling, and artistic works. The significance of Traditional Knowledge lies not only in its practical applications but also in its role as a living repository of cultural identity, continuously preserved and transmitted within social groups. This dynamic system of knowledge reflects the collective wisdom and creative expressions of communities, embodying both their intellectual heritage and cultural continuity".³

1.3 SIGNIFICANCE OF RESEARCH- This research holds critical significance as it examines the effectiveness of the Geographical Indications of Goods Act, 1999, in safeguarding traditional knowledge, empowering indigenous communities in India. The study's importance lies in analyzing how legal protection through GI registration impacts indigenous communities' socio-economic conditions, particularly focusing on traditional knowledge preservation and economic empowerment. The research

is vital for understanding the Act's role in protecting indigenous crafts and products from exploitation while ensuring fair market compensation for traditional knowledge holders.

2. GEOGRAPHICAL INDICATION ACT (1999)-

Definition of Geographical indication-Geographical indicator (GI) is a designation applied to goods with a defined geographical origin and traits, reputations, or features principally related to that locality. A GI usually includes the name of the item's origin. It can be utilized for a variety of purposes, whether natural, agricultural, or man-made. For example, 'Kanjivaram silk' is a product from Kanjipuram in South India, 'Alfanzo mangoes' are from Mumbai, 'Champagne' is from France, and so on. TRIPS Article 22(1) defines Geographical Indications as "indications that designate products as originating in a territory of a member, or an area or location in that territory, where a certain quality, reputation, or other property of the geographical origin."⁴

2.1 Scope of Geographical indication-

Geographical indications (GIs) can apply to a wide range of products, including:

1. **Agricultural products:** Such as basmati rice
2. **Natural products:** Such as minerals, stones, essential oils, and medicinal herbs
3. **Industrial products:** Such as machinery and tools
4. **Handicrafts:** Such as Madhubani paintings and Mysore silk
5. **Food items:** Such as Tirupati laddu and Rasgulla
6. **Wine and drinks:** Such as champagne, cognac, Scotch whisky, and tequila
7. **Traditional cultural products:** Such as musical instruments, folklore items, and traditional medicines
8. **Textiles and clothing:** Such as garments made using traditional techniques and materials⁵

2.2 Registration of Geographical Indication in India

Under Section 20 (1) of the Geographical Indications Act states that no one "shall" be entitled to initiate a proceeding to cease or seek damages for the infringement of a "unregistered" Geographical Indication, despite the fact that registration of Geographical Indications is not obligatory in India. The registered owner and authorized users of a Geographical Indication have the legal right to seek infringement remedies upon registration. Section 3(1) of the Geographical Indication Act designates the "Controller-General of Patents, Designs, and Trademarks" as the Registrar of GIs, and the GI Registry, which houses all India jurisdictions, is located in Chennai. In addition, Section 6(1) requires the maintenance of a Geographical Indications Register divided into Parts A and B. Part 'A' gives details about the maintenance of a Geographical Indications Register, which is divided into Parts A and B, is also required under Section 6(1). The information about the Geographical Indications' registration is included in Part "A," and the information about the authorized users' registration is found in Part B (Section 7 of the Act).

"The Geographical Indication (GI) registration process in India follows a systematic procedure under the GI Act. Initially, applicants must verify their product meets the GI definition under section 2(1) (e). The application process requires submission of prescribed forms (GI-1A to 1D) along with comprehensive documentation including a Statement of Case, product representations, producer affidavits, field maps, and inspection structure details. All documents must be submitted in triplicate with the prescribed fee. Following submission, the application undergoes preliminary examination, and if accepted, is published in the Geographical Indications Journal within 3 months. A three-month opposition period follows

publication, during which interested parties may file objections. Upon successful completion of these stages and resolution of any opposition, the registrar registers the GI, with the filing date serving as the registration date. Applicants can track their application status through the GI registry's database by entering their application number and selecting the relevant status category."⁶

2.3 The Rights granted by the Registering a Geographical Indication

1. **Exclusive Use:** When it comes to the commodities for which a geographical indicator is registered, the registered proprietor is frequently given the sole authority to use the indicator. This means that it is usually prohibited for others to use geographical indications in a way that suggests that their products have a false geographical origin.
2. **Legal Protection:** By registering, the geographic indicator is shielded from unauthorized use by third parties. Any individual who infringes against the rights associated with the geographical indicator may be subject to legal action by the registered proprietor.
3. **Licensing and Control:** The Registered proprietor may grant others permission to use the geographical indicator on agreed-upon terms. This can assist to maintain quality standards and preserve the items' reputation.
4. **Enforcement:** The registered proprietor may seek legal remedies, including injunctions, damages, and other appropriate relief, in the case that others violate or unlawfully utilize the geographical indication.

3. TRADITIONAL KNOWLEDGE AND GEOGRAPHICAL INDICATION-

"Geographical Indications (GI) represents a distinctive category within the Intellectual Property Rights framework, bridging two key domains: copyright protection for traditional cultural expressions and folklore, and industrial property rights encompassing patents, trademarks, and industrial designs. What makes GIs unique is their specific focus on territorial origin and its relationship to product characteristics. This protection mechanism is designed to preserve the intrinsic link between a product's distinctive qualities, reputation, and its geographical origin. By establishing this connection, GI protection ensures that the unique attributes of a product are recognized and protected as inherent to its place of origin, thereby safeguarding both the product's authenticity and the traditional knowledge embedded in its production. This dual protection mechanism makes GIs particularly valuable in preserving both tangible product qualities and intangible cultural heritage associated with specific geographical locations."⁷

3.1 Traditional Knowledge and Indigenous Communities

Over the last century, the globe has seen an extraordinary loss of indigenous and traditional knowledge. The abandonment of ethical principles common in ancient activities has exposed nature to disastrous effects. According to a 2003 Nature article, just 10% of large ocean fish survive. It remains to be seen how much more will be lost during the following two decades.⁷We've lost 60% of our animals in less than 50 years. Freshwater species have also suffered harsh effects. Between 1970 and 2012, 81% of freshwater species perished, while 64% of the world's wetlands have lost since 1900. ⁸

"Indigenous and tribal communities have historically been custodians of invaluable traditional knowledge, embodying sustainable practices and ethical approaches to environmental preservation. However, the advent of modern technology and commercialization has progressively undermined these traditional systems, despite early warning signs evident in the rejection of the Havana Charter (1948) and Forest Charter (1217). While environmental crises prompted global initiatives like the Stockholm

Conference, the overwhelming force of commercialization, exemplified by corporations like Monsanto, has led to the erosion of indigenous crop varieties and associated ancestral knowledge. The colonial and neo-colonial periods have further accelerated this decline, with policies like ILO Convention 107 initially promoting assimilation over preservation of indigenous identity. Although ILO Convention 169 later acknowledged this mistake, the damage persists in countries like India that haven't adopted the revised convention. The establishment of global trade frameworks through WTO and WIPO, particularly TRIPS, has prioritized private intellectual property rights over traditional knowledge protection, creating a system that fundamentally overlooks the value and rights of indigenous knowledge systems." ⁹

3.2 Role of GIs in protecting traditional knowledge

"The Convention on Biological Diversity's Article 8(j) acknowledges the extensive application of Traditional Knowledge in various commercial products, particularly in medicine, health products, and cosmetics. While the global intellectual property framework offers some protection mechanisms for Traditional Cultural Expressions (TCEs) and Traditional Knowledge, the Geographical Indications (GI) system emerges as a particularly effective tool for safeguarding these indigenous innovations.

The GI system, although not directly protecting Traditional Knowledge, serves as a crucial indirect protective mechanism by:

1. Establishing a legal connection between product quality and geographical origin
2. Recognizing the unique traditional practices of local communities
3. Preventing unauthorized exploitation of community knowledge
4. Creating economic incentives for knowledge preservation
5. Maintaining cultural heritage through legal recognition
6. Empowering indigenous communities with collective rights
7. Promoting sustainable development of traditional practices

The GI framework's effectiveness lies in its ability to protect not just the product but the entire knowledge ecosystem that contributes to its unique characteristics. This includes:

- Traditional production methods
- Indigenous skill sets
- Local cultural practices
- Community-based quality control systems
- Generational knowledge transfer mechanisms

Through this comprehensive protection approach, GI registration helps preserve Traditional Knowledge while enabling communities to benefit economically from their ancestral wisdom in today's global market. "The Geographical Indication for Muga Silk in Assam recognizes not only the villages that produce the material, but also the generations-old knowledge of thread production and weaving, which adds to the rich texture. As of this writing; about 635 objects in our nation have received the GI Tag. West Bengal's famed "**Darjeeling Tea**" received the first award.

3.3 Economic benefits for indigenous communities-

The Geographical Indications of Goods (Registration and Protection) Act, 1999, has emerged as a crucial instrument for economic empowerment of indigenous communities through the protection of their traditional knowledge and products. The Act's impact can be analyzed through multiple dimensions:

Increased Market Value-By means of the Geographical Indication Act there is increased in the products market value by providing the following –

Premium Pricing: Products with Geographical Indications (GIs) often command higher prices due to their unique qualities and cultural significance. Geographical Indications (GIs) products are often recognized for their unique qualities, which are attributed to their geographical origin. These characteristics can include specific flavors, textures, or craftsmanship that cannot be replicated elsewhere. Consumers are willing to pay a premium for GI products because they are assured of the product's authenticity and quality. The GI label acts as a guarantee that the product is genuine and meets certain standards.

GI products are deeply rooted in the cultural and historical heritage of a region, which adds significant value and makes them more desirable to consumers who appreciate and want to support traditional practices. The story behind a GI product, including its history, production methods, and cultural importance, serves as a powerful marketing tool that enhances the product's appeal and justifies a higher price.

Brand Recognition: GIs help build a strong brand identity, attracting more customers and increasing sales. Geographical Indications (GIs) plays a vital role in building a strong brand identity for products by highlighting their unique geographical origin and distinctive qualities. This strong brand identity helps in differentiating GI products from generic ones in the market, making them more attractive to consumers who value authenticity and quality. As a result, GI products often enjoy increased customer loyalty and trust, leading to higher sales. The recognition and reputation associated with GIs also open up new marketing opportunities and channels, further boosting the visibility and appeal of these products. Overall, the enhanced brand recognition provided by GIs translates into significant economic benefits for producers and communities associated with these unique products.

Employment Opportunities Geographical Indication product manufacturing and marketing are essential to fostering local employment and skill development. By creating job opportunities within the community, these activities help curb the migration of individuals to urban areas in search of work. This not only strengthens the local economy but also promotes social stability. Moreover, the emphasis on traditional skills and knowledge ensures that these valuable cultural practices are preserved and passed down through generations. This intergenerational transfer of skills not only sustains livelihoods but also enriches the community's cultural heritage, fostering a sense of pride and identity among its members. In essence, the promotion of GI products serves as a catalyst for economic growth, cultural preservation, and community resilience. □

Export Potential-Geographical Indications (GIs) hold significant export potential by carving out unique niches in international markets. These products, often tied to specific regions and traditional methods, attract global consumers seeking authenticity and quality. This demand translates into increased export opportunities and foreign exchange earnings for the producing regions. Additionally, GIs offer robust trade protection by legally safeguarding these products against imitation and misuse in international markets. This ensures that the economic benefits and recognition rightfully go to the original producers, preserving the cultural heritage and boosting local economies. By fostering a distinct identity and maintaining high standards, GIs can enhance the global competitiveness of these products, leading to sustainable economic growth for the regions involved.

4 CASE STUDIES

Darjeeling Tea: Darjeeling Tea, often hailed as the "Champagne of Teas," owes its unique flavor and aroma to the specific agro-climatic conditions of the Darjeeling region in West Bengal, India. The

Geographical Indication (GI) status granted to Darjeeling Tea has been instrumental in protecting its identity, ensuring that only tea produced in this region can be labeled as "Darjeeling Tea." This recognition has significantly boosted the economic prospects of tea growers by enhancing market value, allowing them to command higher prices, ensuring strict quality control measures that maintain its premium status in the global market, and promoting sustainable farming practices that benefit both the environment and the local community.

Pashmina Shawls: Pashmina Shawls, renowned for their exceptional softness and warmth, are made from the fine wool of the Changthangi goat found in Ladakh, India. The Geographical Indication (GI) status of these shawls has played a crucial role in preserving this traditional craft and providing economic stability to Kashmiri artisans. This status protects genuine Pashmina Shawls from imitations, ensuring fair compensation for artisans. It also helps preserve the traditional techniques and skills passed down through generations. Additionally, the GI status has contributed to the economic empowerment of local communities by securing a stable income for artisans, allowing them to sustain their livelihoods and continue their craft.

5. CHALLENGES FACED BY INDIGENOUS COMMUNITIES IN REGISTERING GEOGRAPHICAL INDICATIONS

Indigenous communities often face several challenges when it comes to registering Geographical Indications (GIs). Here are some of the key hurdles:

1. **Lack of Awareness and Knowledge:** Many indigenous communities are not aware of the concept of GIs and the benefits they can bring. This lack of knowledge can prevent them from taking the necessary steps to register their products.
2. **Complex Legal Procedures:** The process of registering a GI can be complex and bureaucratic. Indigenous communities may not have the legal expertise or resources to navigate these procedures effectively.
3. **Financial Constraints:** Registering a GI can be expensive. Indigenous communities often lack the financial resources needed to cover the costs associated with the registration process, including legal fees and administrative costs.
4. **Documentation and Evidence:** To register a GI, communities need to provide detailed documentation and evidence that their product has a specific geographical origin and possesses qualities or a reputation due to that origin. Gathering this evidence can be challenging, especially for communities with limited resources.
5. **Lack of Institutional Support:** Indigenous communities may not have access to the necessary institutional support, such as government agencies or non-governmental organizations that can assist them in the registration process.
6. **Market Access and Promotion:** Even after successfully registering a GI, indigenous communities may struggle with market access and promotion. They may lack the marketing skills and resources needed to effectively promote their GI products and reach a wider audience.
7. **Cultural Sensitivity and Misappropriation:** There is also the risk of cultural misappropriation, where outsiders exploit indigenous knowledge and products without proper recognition or compensation. Ensuring that GIs are registered and managed in a way that respects and protects indigenous cultural heritage is crucial.¹²

Governments, international organizations, and civil society must work together to address these issues and give indigenous populations the resources and assistance they need. By doing this, individuals can increase their economic well-being and preserve their cultural legacy by effectively registering for and receiving benefits from GIs.

6. RESULT/FINDINGS

The analysis reveals that registration under the Geographical Indications of Goods (Registration and Protection) Act, 1999 has had measurable legal and socio-economic effects on traditional products and their producing communities.

First, GI registration has been associated with increased market recognition and price differentiation for traditional products. Both Darjeeling Tea and Pashmina Shawls demonstrate enhanced brand identity and consumer trust following registration, contributing to improved market positioning.

Second, the findings indicate employment generation and livelihood support within local communities engaged in GI-protected production. The continued reliance on traditional skills has supported local labour participation and reduced dependency on external markets.

Third, GI registration has contributed to legal protection against misappropriation and imitation by restricting unauthorised use of geographical names. This has strengthened producers' control over product authenticity and quality standards.

Fourth, GI-protected products exhibit improved export visibility, supported by international recognition and legal safeguards under the TRIPS framework.

Finally, the findings highlight persistent institutional and procedural challenges, including limited awareness among producers, complexity of registration procedures, and constraints in enforcement mechanisms, which affect the equitable distribution of GI-related benefits.

7. CONCLUSION

The Geographical Indications of Goods (Registration and Protection) Act, 1999 has established itself as a cornerstone in the protection and preservation of India's traditional knowledge while simultaneously empowering indigenous communities. The Act's comprehensive framework provides robust legal protection for products uniquely tied to specific geographical regions, effectively bridging the gap between ancient practices and modern intellectual property rights. This legislation has proven particularly significant in safeguarding the interests of indigenous communities who have been the custodians of traditional knowledge for generations. The success stories of Darjeeling Tea and Pashmina Shawls serve as compelling examples of how GI registration can transform local economies and preserve cultural heritage. These cases demonstrate the Act's potential to significantly enhance market value, create sustainable employment opportunities, and unlock export potential in global markets, thereby contributing to the economic upliftment of indigenous communities.

The implementation of the Act has brought to light several critical aspects of traditional knowledge protection. First, it has established a clear legal framework for identifying and protecting geographical indications, ensuring that products with unique geographical origins and traditional methods of production receive due recognition and protection. Second, it has created a systematic approach to documentation and preservation of traditional knowledge, which is crucial for maintaining cultural heritage. Third, the Act has facilitated the economic empowerment of indigenous communities by providing them with exclusive rights over their traditional products and production methods.

However, the journey towards effective GI protection faces several challenges. Indigenous communities often struggle with complex registration procedures, limited awareness about their GI rights, and insufficient resources for documentation and application processes. These challenges are compounded by the need for better market linkages and more efficient enforcement mechanisms. To address these issues, there is a pressing need for capacity-building programs, streamlined registration processes, and enhanced support systems for indigenous communities. Additionally, efforts must be made to improve documentation methods and create more effective market connections for GI-protected products.

Looking ahead, the Act's success will largely depend on how effectively these challenges are addressed and how well the benefits of GI registration percolate down to the grassroots level. The focus should be on creating a more accessible and efficient system that not only protects traditional knowledge but also ensures that indigenous communities derive substantial economic benefits from their cultural heritage. This includes developing better support mechanisms, improving awareness and education about GI rights, and establishing stronger market linkages for GI-protected products. By addressing these aspects comprehensively, the Act can truly fulfill its objective of empowering indigenous communities while preserving India's rich cultural heritage through the protection of geographical indications.

The Act represents a significant step forward in recognizing and protecting traditional knowledge while providing economic opportunities for indigenous communities. Its continued evolution and improvement will be crucial in ensuring that India's unique cultural heritage is preserved and that indigenous communities receive the recognition and benefits they deserve. The success of the Act ultimately lies in striking a balance between protecting traditional knowledge and facilitating economic growth, ensuring that both cultural preservation and community development go hand in hand.

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