

Geographical Indications

Article 22, TRIPS: Protection of GIs

1. 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.

Article 22, TRIPS: Protection of GIs

2. In respect of geographical indications, Members shall provide the legal means for interested parties to prevent:
 - (a) the use of any means in the designation or presentation of a good that indicates or suggests that the good in question originates in a geographical area other than the true place of origin in a manner which misleads the public as to the geographical origin of the good;
 - (b) any use which constitutes an act of unfair competition within the meaning of Article 10bis of the Paris Convention (1967).

Article 23:

Additional Protection for Geographical Indications for Wines and Spirits

1. Each Member shall provide the legal means for interested parties to **prevent use** of a geographical indication identifying **wines** for wines not originating in the place indicated by the geographical indication in question or identifying spirits for **spirits** not originating in the place indicated by the geographical indication in question, **even where the true origin of the goods is indicated** or the geographical indication is used in translation or accompanied by expressions such as "**kind**", "**type**", "**style**", "**imitation**" or the like.

The Geographical Indications of Goods (Registration and Protection) Act, 1999

- Categories of GIs protected
 - Wines and spirits (eg feni)
 - Agricultural goods (eg Nagpur Orange)
 - Non-agricultural goods (eg. Khurja pottery)
- Registered Proprietor and authorised user
- Fees and renewal
- Higher level of protection
- State-led monitoring and enforcement of GIs
- Need for GI promotion and awareness
- FTAs and GI Act of Lisbon Agreement