

***Title: A Study of GI Protection to Sweets and Popular Foods
In India, Authored By: Suman Shaw (B.B.A.LL.B), On Practice as Advocate
under Asansol District Court of West Bengal.
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ABSTRACT:

In this research paper it will give a brief analysis over the Geographical indication protection of Indian sweets and food stuff. As we know that India is being known for its heritage, culture, and diversity throughout the world with its rich tradition in speciality in food, drinks, sweets. However, food accounts for only 3.9% of registered GIs. The current study paper examines the status and system of GI, as well as trade behaviours in food. This is to stress the role of GIs in protecting the relevance of food origin, culture, and tradition. Furthermore, these GI food tags are the glory of Indian traditional diets, which are widely followed around the world. The vast majority of foods are unlabelled and legally unprotected, and consumers are unaware of this. This is to provide a brief overview of how GI factors play an important role in pursuing and safeguarding Indian food products, and how we must focus on registering as many food products as possible in order to protect the food's originality. In India, the first specific law that provides for the registration and protection of GI came in the form of Geographical Indication of Goods (Registration and Protection) Act in 1999. The problem statement centres on how popular dishes and traditional Indian sweets are easily copied and misused, resulting in financial losses for genuine manufacturers and a blurring of cultural identity. Even though there are legislative frameworks in place to protect veterans, bureaucratic intricacies, a lack of knowledge and resource limitations frequently impedes the enforcement and registration procedures. It emphasizes how crucial strong legal frameworks, stakeholder cooperation, and public awareness are to preserving India's unique culinary legacy.

Keywords: GI Protection, Sweet And Food Stuff, Heritage, Lack Of Knowledge, Registration.

I. INTRODUCTION:

India is well known for its wide range of cuisines, which include both traditional delicacies and well-liked dishes that showcase the nation's culinary prowess and cultural legacy. People all around the world are enthralled with Indian cuisine, which features tantalizing desserts and

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fragrant spices. Of all the cuisines, some are particularly remarkable because of their distinct Flavors, traditional preparation techniques, and unique geographical origins. But in today's worldwide market, traditional foods face serious challenges to their authenticity and financial worth from imitation, adulteration, and misappropriation. ***Safeguarding Geographical Indications (GI)*** has become a crucial tool for addressing these issues and maintaining the cultural integrity of traditional foods.¹ It not only protects the produce, but it also benefits the local economy and promotes tourists. GI is recognised as a certification with a special reputation and attributes. Geographical indications are used for wines, spirits, and groceries. GIs are included under intellectual property rights under the Paris Convention. At the international level, the World Trade Organization's agreement on ***Trade-Related Aspects of Intellectual Property Rights (TRIPS)*** establishes minimum binding standards for intellectual property protection that are enforced through the WTO's dispute settlement process. This pact protects GIs. At the international level, the World Trade Organization's Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) establishes minimum binding standards for intellectual property protection that are enforced through the WTO's dispute settlement process.

²This agreement provides protection for GIs.

Article 22, paragraph 1, of the TRIPS Agreement refers to Geographic Geographical Indications as "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 another characteristic of the good is essentially attributable to its geographical origin."

Article 22 of the TRIPS Agreement sets a standard level of protection for all products. Geographical indications (GIs) must be protected to avoid misleading the public and unfair competition.

Article 23 of TRIPS provides a higher or enhanced level of protection for GIs for wines and

¹ Food and GI: Celebrating India's Culinary Diversity
<https://aishwaryasandeep.in/food-and-gi-celebrating-indias> (Accessed: 4 March 2024)

² on Trade-Related Aspects of Intellectual Property Rights (TRIPS) ACT

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spirits: subject to many exceptions, they must be protected even if misuse would not cause the public to be misled.

I.I LITERATURE REVIEW:

³Number of GI tags in India:

India has 320 items with GI status. The products included are Tirupati Laddu, Kangra Paintings, Nagpur Orange, Darjeeling Tea, and Kashmir Pashmina. In India, Karnataka has 38 G.I. items, whereas Maharashtra has 32.

Advantages of GI tagging include legal status and security for G.I. in India.

- *Safeguards against unauthorised use of an enlisted geographical indicator by others.*
- *Preserves the product's origin and protection in other WTO member nations.*
- *To market and brand, the product, and services.*

Currently, India has 301 registered GI products and over 270 more have filed for the label. India has a significant G.I. share in handicrafts, agriculture, manufactured goods, and food products, but it needs to strengthen G.I. registrations.

I.II HYPOTHESIS:

The objective over the study of Indian tradition in relation with its food and sweets stuff their current status that are they being registered under geographical indication in Indian. To mark upon the necessity and importance of GI Tagging for the food stuffs as well as to know the process of GI tagging and to spread awareness about GI tagging for food stuff in India.

II. CRITERIA FOR GRANTING A FOOD PRODUCT A GI TAG:

⁴To protect the food product that originated in a certain location, it should also have a distinct character and a reputation that is unique to the location. Consumers of GI-tagged food should be able to identify it as coming from a certain location and distinguish it from other identical

³ A Study of Geographical Indication (GI) System for Food Stuffs in India.
https://www.academia.edu/81689235/A_Study_of_Geographical_Indication_GI_System (Accessed : 4 March 2024).

⁴ Food and GI: Celebrating India's Culinary Diversity
<https://aishwaryasandeep.in/food-and-gi-celebrating-indias> (Accessed: 4 March 2024)

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meals. In many legal frameworks, one single feature connected to the product's place of origin, such as its reputation or any other attribute, is sufficient. The GI protects the goods as desired by a group of producers. The product manufacturers may form an entity, such as a cooperative or an association, to act as their representative and ensure that the product meets the requirements that they have agreed on or are followed as needed. In some countries, a competent national authority (*such as a local government authority*) can also request protection. On request, a national (*regional*) responsible authority, such as the IP office, will give GI protection. If a geographical term is used to identify a type of product rather than the location of origin, it loses its function as a GI. ⁵Parliament passed the ***Geographical Indications of Goods (Registration and Protection) Act in December 1999***. This Act aims to provide for the registration and improved protection of geographical indications relating to goods in India. The Act would be handled by the Controller General of Patents, Designs, and Trademarks, who is also the Registrar of Geographical Indications. The Geographical Indications Registry would be located in Chennai. ⁶Geographical indication is like to identify agricultural, natural, or manufactured goods which is produced and prepared within the territory. In India Geographical Indication are like ***Basmati Rice, Darjeeling tea of West Bengal, Kanchipuram silk saree, Nagpur orange, kolhapuri chappal, Bikaneri bhujia, Agra Petha & others***.

- *The benefit arising out from this GI tag registration that it provides legal protection for geographical indications in India. Prevents unlawful use of a Registered Geographical Indication by others.*
- *It gives legal protection for Indian Geographical Indications, which boosts exports. It fosters the economic prosperity of producers of goods within a specific geographical area.*
- *Any person of an association, producers, organisation, or authority established by or under the law can be registered proprietor can apply for registration of a geographical indication as an authorised user describing all about his product with a prescribed fee.*

⁵ Geographical Indication Registry <https://ipindia.gov.in/faq-gi.htm> (Accessed: 4 March 2024)

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<https://ipindia.gov.in/faq-gi.htm> (Accessed: 4 March 2024)

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- *Registration is important since it affords better legal protection to facilitate an action for infringement, where user can exercise the exclusive right to use the geographical indication. The registration is valid for a period of 10 years and it can be renewed from time to time for future period of 10 years each. If it is not renewed it is liable to be removed from register.*
- *When the usage of a geographical indication results in unfair competition, such as passing off a registered geographical indication. When the use of another geographical indicator misleads the public into believing that goods originate in a territory to which a registered geographical indication applies.*

III. INDIA VAST ARRAY OF FOODS AND SWEETS:

India, a treasure mine of gastronomic pleasures, has a large number of food items with GI classifications. One well-known example of a GI-tagged food item is the Alphonso mango, often known as the "king of Indian mangoes". The Alphonso mango from Ratnagiri, Sindhudurg, and nearby districts in Maharashtra had previously received the GI tag from the government on October 3, 2018. The Alphonso mango is known for its rich flavour, brilliant colour, and silky texture. The GI badge ensures that consumers can trust the authenticity of the Alphonso mangoes they purchase, while also supporting the livelihoods of local farmers.

⁷Bandar laddoo, also known as thokkudu Ladoo, is the most well-known sweet from Andhra Pradesh. This laddoo, with its incredibly smooth and creamy texture, is simply another variation of the ubiquitous besan ke laddoo seen throughout the country. At least 250 families are involved in the trade of producing laddoo. It takes six to seven arduous hours to make ghee-laden balls of bliss. The primary ingredients are Bengal gramme flour, jaggery syrup, and ghee. Now, laddoo production is geographically limited to the Machilipatnam Taluk, which includes Pedana, Goduru, and Nidumolu in Krishna district. This laddoo originated with the Rajput's of Rajasthan. Uttar Pradesh has its own rich and diversified cuisine, with each district having its own unique food culture. Varanasi is one of the districts, and it is famous for its Banarasi Paan,

⁷ Food and GI: Celebrating India's Culinary Diversity
<https://aishwaryasandeep.in/food-and-gi-celebrating-indias> (Accessed: 4 March 2024).

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which is created using particular ingredients in a unique style. Along with the Banarasi Paan, three other Varanasi-best products—Banarasi Langda Mango, Ramnagar ka Bhanta (Brinjal), and Adamchini Rice—also won the GI tag. Silao Khaja is one of the GI tags associated with Bihar culinary products. In 2018, the traditional delicacy of Bihar's Nalanda area receives a GI tag in Chennai. Khaja is a multi-layered, crispy, sweet, and traditional Bihari delicacy. This Bihari delicacy consists of around 15 layers of dough stacked on top of one another. It has wheat flour, sugar, maida, ghee, cardamom, and aniseeds as components. It is deep fried till it becomes crispy. The crisp croissants are then immersed in sugar syrup until they have absorbed the liquid. There are also certain GI-tagged food items such as Shahi Lichi, Katarni rice, Makhana, Marcha rice, Maghi paan, and Jardalu mango.⁸In 2010, the crispy snack known as Bikaneri Bhujia from Rajasthan, which is well-known among Indians, was recognised as a Geographical Indication. This particular type of bhujia, which has been around since 1877, is composed of besan, spices, and moth beans. It has a distinct pale-yellow colour and a robust flavour. This distinctive example of a very Indian delicacy receives its name from the town where it originated, Bikaner, and is so popular that it transcends areas of integration to become a generic identity within itself. Tamil Nadu offers a wide set of cultures and traditions. Tamil snacks 'Ooty Varkey' and 'Manapparai Murukku' have both been GI-tagged. These bite-sized snacks are created with a thick dough of rice flour, urad dal, salt, and spices and have a characteristic crunch from twice frying. 'Manapparai Murukku' is in high demand among the Tamil diaspora, particularly in Southeast Asian Gulf Arab countries. Kovilpatti kadal mittai has also received the GI designation on the list of food items. It is a sweetmeat made from palm jaggery and groundnuts moulded into balls, with the sweet having a rectangular shape. This mithai derives its peculiar flavour from fresh, pale, organic, and unusual Theni jaggery. The usage of water from the Thamirabarani river, as well as geographical differences in the key components, contribute to the dish's distinct flavour. Ratalam sev is a snack from Madhya Pradesh that is a must-try in Indian cuisine. This light-yellow, crispy sev made with gramme

⁸ Food and GI: Celebrating India's Culinary Diversity
<https://aishwaryasandeep.in/food-and-gi-celebrating-indias> (Accessed: 4 March 2024)

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flour and spices has an intriguing history. Ratlam sev, which was first commercially produced in the early 1900s, was influenced by this "Bhildi sev". Ratlami Sev was promoted to GI in 2015.

IV. ADDRESSING CHALLENGES IN LOCAL FLAVOUR LINKS:

The maintenance and promotion of regional taste connections in Indian cuisine and confections face numerous difficult obstacles. The most pressing of these is the ongoing problem of adulteration and copying. The authenticity and Caliber of the finished goods are frequently compromised by the replication or substitution of less expensive substitutes for traditional recipes and ingredients, which are essential to the distinctive Flavors of regional cuisines. Furthermore, one of the biggest obstacles is that consumers do not know how important it is to support real local products. Consuming foods with geographical indications (GIs) can help preserve cultural history, but many consumers might not understand this, which feeds the loop of miscommunication between producers and consumers. Another challenge is navigating the regulatory environment, especially for small-scale manufacturers. The process of obtaining GI status is difficult and time-consuming, requiring a lot of paperwork and strict rules to be followed. Such regulatory requirements can be expensive for producers with minimal resources, making it more difficult for them to get their products recognized and protected. Mass production companies also pose a serious threat to small-scale businesses. By taking advantage of economies of scale, large-scale producers can create comparable goods at a lower cost, undercutting competitors and controlling markets. This compromises the authenticity and variety of regional cuisines in addition to endangering the lives of traditional farmers. In the eastern part of South Asia, a syrupy dessert known as "syrup filled ball" or "Rashogulla" is a popular option. It is made using chhena dough dumplings shaped into balls and baked in a light sugar syrup. Continue doing this until the dumplings are completely coated with syrup. So, there was a recent controversy arose between the States of West Bengal and Odisha over intellectual property (IP) rights to a sweetmeat raises various concerns about the validity of

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classifying every regional food item as a geographical indication (GI). ⁹The current dispute between the states of West Bengal and Odisha over intellectual property (IP) rights to a sweetmeat raises various concerns about the legality of classifying every regional delicacy as a geographical indication (GI). Many sweet and savoury dishes are born from India's diverse culinary heritage. While the Geographical Indications of Goods (Registration & Protection) Act, 1999 ('the GI Act') allows for the registration of 'food stuffs' as GIs, the dangers of doing so should be considered. Primarily, simply adding a regional prefix to a food item does not transform it into a product worthy of a GI designation. *What is the narrow line that separates a recipe from a GI tag?* While a recipe can be implemented anywhere, a food item that warrants a GI designation must have historically originated in a specific geographic place and must have certain attributes, characteristics, or a reputation that is primarily due to that region. In other words, the consumer should be able to identify it with the relevant area and distinguish it from similar food products. In a country as diverse as India, due to inter-state migrations, traditional recipes have remained rooted in their various regions solely for reasons of limited shelf life or difficulties in following traditional procedures utilised beyond the geography. ¹⁰Unlike GIs for agricultural items, which are geographically specific, most recipes for regional foods tend to traverse boundaries with those who consume them. Over the years, each traditional regional recipe has crossed the length and breadth of the country, offering gustatory comfort to its natives who have lived in various areas of India. While misdirected enthusiasm and jingoistic feelings have resulted in applications to register some of these regional recipes as GIs, it is important for the authorities to rein in such a movement, lest India's GI protection process become diluted.

IV.I GEOGRAPHICAL INDICATION RIGHTS FOR 'TIRUPATI LADDU':

⁹ GIs for Food Stuffs: IP or Recipe? By spicy IP
<https://spicyip.com/2018/04/gis-for-food-stuffs-ip-or-recipe.html> (Accessed on March 8 2024)

¹⁰ GIs for Food Stuffs: IP or Recipe? By spicy IP, *supra* note 11.

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¹¹*Tirumala Tirupati Devasthanam (TTD)*, which manages the richest Hindu temple, is enforcing Geographical Indication (GI) rights for its famous 'Tirupati laddu'. The Office of the Registrar of Patents, Trademarks, and Geographical Indications in India has already granted the title to Tirupati laddu, the famous sweet offered to millions of people as 'prasadam' or sacred offering by the Tirumala temple. TTD had applied with GI to protect its intellectual property. The Confederation of Indian Industry's Andhra Pradesh Technology Development and Promotion Centre (APTDC) enabled the GI registration. ¹²Through its network partners, APTDC exposed the fact that some businesses, ranging from well-known candy stores to small-time criminals, have been selling "laddus" under names that are similar to "Tirupati laddu." In December of last year, the Madras High Court issued an injunction against a Chennai sweet shop selling "laddus" under the Tirupati laddu brand. The TTD had said that as "Tirupati laddu" is offered at Lord Venkateshwara's feet before being distributed to devotees, it had inherent sanctity. The laddu is a popular dish at the temple, prepared with flour, sugar, ghee, oil, cardamom, and dry fruits. Each year, the temple administration prepares over 50 million 'laddus'. TTD, which last week approved a Rs.2,401 crore annual budget for 2014-15, expects to earn Rs.190 crore from the sale of 'prasadam'.

Some description over GI Food and their Application Status in India:

Darjeeling Tea:

Application Number	1
Geographical Indications	Darjeeling Tea (Word)
Status	Registered
Application Name	Tea Board
Application Address	Tea Board 14, B.T.M. Sarani (Brabourne Road), P.O.Box No.2172, Kolkatta - 700 001, India.

¹¹Geographical Indication (GI)& The Foodstuffs: India Perspective by shruti Agrawal, the University, Jaipur file:///C:/Users/User/Down (Accessed on 8th March 2024)

¹² Geographical Indication (GI) rights for Tirupati laddu <http://www.newstrackindia.com/newsdetails/2014/02/28/335--Now-Geographical-Indication-rightsfor-Tirupati-laddu.html> (Accessed 8th March 2024)

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IV.II ADDRESSING THE CHALLENGES:

Advocacy and awareness campaigns: Producers, government agencies, and non-governmental organizations (NGOs) are striving to educate consumers on the value of supporting local Flavors and the role of geographical indications in protecting cultural heritage. Regulations are being strengthened in an effort to shorten the process of attaining GI designation and improve enforcement measures to protect against copying, adulteration, and unauthorized use of traditional recipes. Promoting collaboration: Producers are joining cooperatives and alliances to pool resources, share information, and promote their products together, enhancing their visibility and competitiveness in the marketplace. Embracing innovation: Some producers are looking into new techniques and technology to update conventional production processes while maintaining the authenticity and distinct Flavors of local dishes and sweets. Consumer engagement: Food festivals, farmers' markets, and culinary tours are being created to allow consumers to interact directly with producers, learn about traditional food-making methods, and develop a greater appreciation for local cuisines. People in India are attempting to preserve and enhance the great diversity of local flavors in their food and sweet traditions by tackling these issues and taking advantage of opportunities for collaboration and innovation.

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¹³ Measures can be taken:

- GI tagging is vital for protecting the original rights of food products; it is recommended that all food related individuals or enterprises register their products.
- ¹⁴All food-related government entities must act truly and professionally in order to protect our food by registering the GI tag.
- More research and study on the same topic are required at our hotel management or culinary institute in order to focus on it.
- We all need to carry forward Indian gastronomical identity by exploring more and more traditional foods from throughout the country.

V. CONCLUSION:

The goal of this study was to understand the current state of food tagging in India, as well as the food tagging system. There is a massive work ahead of us, with numerous food items left exposed and unprotected. There are thousands of traditional food products in India, but only a few are still in existence today. We must capitalise on the expanding global demand for Indian traditional foods. There is a high demand for Indian traditional cuisine. GI tagging will preserve the provenance of our recipes and food products while also helping to create jobs in the Indian food industry. Given India's cross-cultural migrations and the current lack of quality control in the law, if the GI Act is not modified, GI registrations would soon be considered as untrustworthy. Taking initiatives in this direction may also help India portray and demonstrate GIs as an ideal IP right to support its "Make in India" programme. GIs protect producers' rights and interests in their products, regardless of whether the benefits reach consumers. In short, there is a lot of work and tasks that need to be completed regarding food GI tagging. As researchers, we must collectively push this effort forward and ensure that all food products are G.I. tagged to safeguard their provenance.

¹³ A Study of Geographical Indication (GI) System for food stuff in India.https://www.academia.edu/81689235/A_Study_of_Geographical_Indication (Accessed 8th march 2024).