

# Geographical Indications in the Context of Manipur: A Case Study of Kachai Lemon

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**Abstract - Geographical indications have been verified to be the foremost contentious of all the intellectual property rights coated by the World Trade Organization's Agreement on Trade-Related Aspects of property Rights. The extension of increased protection to products aside from wines and spirits, further the multilateral system for notification and registration of geographical indications, are the two most contentious problems regarding GIs. This study is an effort to grasp these problems and a case study of Kachai Lemon.**

**Keywords:** GI, Kachai Lemon and TRIPS

## I. INTRODUCTION

Geographical Indication (GI) protection has emerged joined of the most contentious IPR (Intellectual Property Rights) troubles inside the World Trade Organization's Agreement on Trade-Related Aspects of property Rights (TRIPS). TRIPS defines Geographical Indication as any indication that identifies a product as returning from a specific area, wherever a given product's high-quality, popularity, or alternative traits square measure usually because of its geographical beginning. A geographical indication (GI) is additionally provided. The perquisite of a place (town, province, or country) to apply a reputation for a product with precise traits that correspond to its specific vicinity. The Geographical Indications of merchandise (Registration and Protection) Act, 1999 protects Geographical Indications in India. If it is registered, it will provide better legal protection and make it easier to carry an infringement movement.

Kachai Lemon (Citrus jambheri Lush.) domestically known as Kachai Chapmpra in Manipur, endemic to Kachai village of Uhrul district, Manipur, India, is one of many of the most important husbandry commodities made within the State. Kachai Lemon may be landraces of hard lemon (Citrus jambheri, Lush.) that belongs to the Rutaceac family with frame range  $2n=18$ . The fruit is spherical in shape or round in form and hard out the texture

## II. NEED FOR LEGAL PROTECTION OF GEOGRAPHICAL INDICATION

Given its industrial potential, Geographical Indication legal protection is essential. Competitors who don't have legitimate rights to the Geographical Indication could also

be able to ride free on its name if adequate legal protection isn't provided. Such unethical Geographical Indication right holders conjointly mislead customers. Moreover, such practices could erode the Geographical Indication's goodwill and name at the end of the day.

### A. International Protection for Geographical Indications under TRIPS

TRIPS set up minimum standards of safety at the international degree, which WTO contributors are obligated to enforce in their respective countrywide laws. However, there may be a trouble with hierarchy in phrases of the scope of safety afforded to Geographical Indication under TRIPS. This is because of the reality that, even as TRIPS carries a single, identical definition for all Geographical Indications, no matter product class, it mandates a two-tiered machine of protection: (1) simple protection applicable to all Geographical Indication in fashionable (under Article 22) and (2) extra safety applicable best to the Geographical Indication denominating wines and spirits (below Article 23).

This type of protection is tough to attain if Article 22 fails to offer good enough highbrow property protection for the benefit of the real right-holders of a Geographical Indication. A manufacturer who does not belong to the geographical vicinity indicated by using a Geographical Indication may use the indication as long as the true origin of the product is indicated on the label, thereby unfastened-riding on its popularity and goodwill.

### B. History of the TRIPS Provisions on Geographical Indication

The Uruguay round GATT negotiations started out in 1986, at a vital juncture in India's improvement policymaking process. The Uruguay round negotiations had been nicely underway by the time India launched its large financial reform package deal in 1991, signalling a paradigm shift in its coverage, paving the manner for Marrakesh in 1994 and the status quo of the WTO. Given its long legacy of inward-looking improvement strategy and a protectionist trade coverage regime, India remained a careful and relatively

passive participant at some stage in the early years of the Uruguay Round negotiations.

However, in Doha, India sought to broaden the scope of “geographical indication (GI)” safety beyond wine and spirits to include other merchandise. A variety of nations wanted to barter extending this better level of safety to different merchandise due to the fact they see it as a manner to improve advertising their products by way of differentiating them extra effectively from the competition, and they object to different nations “usurping” their terms. Others objected to the pass, and the debate has focused on whether the Doha Declaration affords a mandate for negotiations.

Those who oppose the extension argue that the present-day stage of safety (Article 22) is ok. They warn that enhancing protection might be costly and would disrupt existing legitimate marketing practices. India, together with a number of different like-minded international locations, pushed for an expansion of Article 23 to consist of all classes of products. However, international locations together with Australia, Guatemala, Canada, United States, Argentina, Chile, New Zealand, and Uruguay are strongly against the extensive divergence of perspectives among WTO contributors; little progress has been made inside the negotiations, and the problem stays unresolved in terms of implementation.

### III. THE INDIAN GEOGRAPHICAL INDICATION ACT

With the enactment of a law completely dealing with the protection of Geographical Indications, India has established a system of protection for Geographical Indications that is precise in the world. In India, the “Geographical Indications of Goods (Registration & Protection) Act 1999” and the “GIs of Goods (Registration & Protection) Rules 2002” govern the protection of Geographical Indications (Geographical Indication Rules). India enacted its Geographical Indication legislation which will enforce countrywide highbrow assets legal guidelines in accordance with India’s TRIPS duties. The relevant government has hooked up the Geographical Indications Registry with all-India jurisdiction at Chennai, under the purview of the GI Act, which got here into force in conjunction with the Geographical Indication Rules on 15 September 2003, wherein right-holders can sign up their Geographical Indication.

Unlike TRIPS, the Geographical Indication Act isn’t always constrained to wines and spirits. Rather, it has been left as much as the discretion of the significant government to determine which merchandise must be afforded more safety. The drafters of the Indian Act purposefully took this method to be able to offer Geographical Indication of Indian origin with the stringent safety assured underneath the TRIPS Agreement. Other WTO individuals, however, aren’t required to offer Article 23-kind safety to all Indian

Geographical Indication, leaving room for his or her misappropriation within the international arena.

Section 1 (3) (e) of the Indian Geographical Indication Act clarifies that for the purposes of this clause, any call that isn’t always the call of a rustic, location, or locality of that united states “shall” additionally be considered as a Geographical Indication if it relates to a specific geographical vicinity and is used on or on the subject of particular items originating from that united states, location, or locality because the case can be. This provision permits the safety of symbols aside from geographical names, along with “Basmati.”

#### A. Registration

While Geographical Indication registration is not required in India, Section 20(1) of the Geographical Indication Act states that nobody “shall” be entitled to institute any intention to prevent or recover damages for the infringement of an unregistered Geographical Indication. The registration of a Geographical Indication offers its registered owner and accredited users the proper to seek infringement relief. According to Section 3(1) of the Geographical Indication Act, the GI registry with all India jurisdictions is placed in Chennai, and the Registrar of Geographical Indications is the Controller-General of Patents, Designs, and Trade Marks. Section 6(1) additionally requires the preservation of a Geographical Indication Register, which is divided into sections. Parts A and B are separate files. Part A carries data on the registration of Geographical Indications, while Part B consists of data on the registration of accepted customers (Section 7 of the Act)

A Geographical Indication can be registered in respect of any or all of the goods comprising such elegance of products as the registrar may also classify. For the functions of Geographical Indication registration, the registrar is needed to classify the products as closely as feasible according to the worldwide class of products (Section eight of the Act). Single software may be made for the registration of a Geographical Indication for special training of goods, with a charge payable for each such magnificence of products.

A Geographical Indication may be registered in India for a period of ten years and may be renewed for extra periods of ten years at any time. According to Indian law, a registered Geographical Indication cannot be the situation of a mission, transmission, licencing, pledge, mortgage, or every other agreement.

#### B. Actions against Passing-Off

Nothing in India’s Geographical Indication Act “shall” be construed to affect rights of movement in opposition to any individual for passing off goods as the products of every other character, or treatments in admire thereof. In its most simple form, the passing-off principle states that no one has

the proper to bypass off his or her goods as those of every other. The primary goal of a passing off action is to protect the reputation, popularity, and goodwill of traders and manufacturers from any unfair attempt to free ride on them. Though India, like many different commonplace regulation international locations, lacks a statute especially coping with unfair competition, maximum unfair competition acts may be avoided via a passing-off movement. Notably, TRIPS Article 24.3 states unequivocally that member right away previous to the date of entry. India made use of this flexibility in the Geographical Indications Act (section 20(2)) to maintain the right of action towards passing-off, which have been part of India's not unusual regulation subculture even before the TRIPS Agreement.

Any lawsuit related to the infringement of a registered GI or the passing of an unregistered Geographical Indication must be filed in a district court docket with jurisdiction to listen to the case. No action can be introduced in any courtroom lower than a district courtroom (segment sixty-six of the GIs of Goods (Registration and Protection) Act, 1999).

#### *C. The Status of Geographical Indications Registrations in India*

The Geographical Indication Registry already has around 65 Geographical Indications of Indian foundation. Manipur (kachai Lemon), Kancheepuram silk (textiles), Chanderi (sarees), Darjeeling (tea), Kondapalli (toys), Kashmir Pashmina (shawls) and Mysore are some examples (agarbattis).

Geographical Indications registered in 2007-08 consist of Assam's 'Muga Silk,' Bihar's 'Madhubani artwork,' Kerala's 'Malabar pepper' and 'Alleppey Green caradmom,' Tamil Nadu's 'Cora Cotton,' Uttar Pradesh's 'Allahabad Surkha,' West Bengal's 'Nakshi Kantha,' and Karnataka's 'Mons Much greater Indian Geographical Indication are being taken into consideration for registration below the Geographical Indication Act.

#### **IV. CASE STUDY – KACHAI LEMON**

Kachai Village is one of the most picturesque villages in Ukhrul District. It is famous for the Kachai lemon, also known as Kachai Champra (Lemon) that is broadly grown in the village. Manipur's pride is the Kachai Lemon, which has been granted geographical indication (GI) registration due to its strong point (GI-466). Unlike other lemon varieties grown around the world, Kachai Lemon is considered specific due to the fact its miles excessive in ascorbic acid and well-known for its juice content.

Every year in the second week of January, the Kachai Lemon Festival is held. The party of this festival has accelerated the recognition of Kachai Lemon, resulting in a top-class price in the market and a lift for Kachai Lemon

growers. In addition, the Kachai Fruit Farming & Co-operative Society Ltd owns and operates a 50 Ha land region/farm granted by way of the Kachai Village Authority. This farm has approximately 10000 lemon bushes.

#### *A. Uses and Processing Opportunities*

Kachai Lemon can be used to create a variety of fee-added merchandise. The most important products are juice, squash, RTS beverage, and pickle. The ICAR Research Complex for the NEH Region, Manipur Centre, has standardised a commercially feasible technology for changing Kachai Lemon juice into powder. Furthermore, ascorbic acid and pectin may be extracted from juice and peel, respectively.

#### **V. CONCLUSION**

As have visible, Geographical Indications are treasured belongings that have the ability to compete for a huge proportion of the global market. GIs are awesome because of their beginning. International commitments to guard GIs are still inside the early tiers of improvement or stay unconvinced. In the global area, there may be no widespread multilateral device for notification and registration of all GIs. The TRIPS Agreement, one of the maximum influential worldwide gadgets on highbrow belongings rights, also does now not specify the "prison approach" for protecting GIs. Manipur's pleasure is the Kachai Lemon, which has been granted geographical indication (GI) registration due to its distinctiveness. (GI-466). Unlike different lemon types grown around the sector, Kachai Lemon is considered specific due to the fact it is high in ascorbic acid and famous for its juice content.

#### **REFERENCES**

- [1] F. Addor and A. Grazioli, "Geographical indications beyond wines and spirits," *The Journal of World Intellectual Property*, Vol. 5, No. 6, pp. 865-897, 2005. [Online]. Available: <https://doi.org/10.1111/j.1747-1796.2002.tb00185.x>
- [2] K. Das, "International protection of India's geographical indications with special reference to "Darjeeling" Tea," *The Journal of World Intellectual Property*, Vol. 9, No. 5, pp. 459-495, 2006. [Online]. Available: <https://doi.org/10.1111/j.1422-2213.2006.00300.x>
- [3] K. Das, "Protection of India's 'Geographical Indications': An Overview of the Indian Legislation and the TRIPS Scenario," *Indian Journal of International Law*, Vol. 46, No. 1, pp. 1-332006.
- [4] K. Kishore, "Geographical indications in horticulture: An Indian perspective," *Journal of Intellectual Property Rights*, Vol. 23, No. 4-5, pp. 159-166, 2018.
- [5] S. Ravindran, and A. Mathew, "The Protection of Geographical Indication in India-Case Study on "Darjeeling Tea"," *International Property Rights Index*, pp. 58-63, 2009.
- [6] S. Wijesinghe, "The Protection on Geographical Indications in Developing Countries: the Case of Ceylon Tea," *The Protection on Geographical Indications in Developing Countries: the Case of Ceylon Tea*, Vol. 1, 2015.