



An Overview of Geographical Indication in Jammu & Kashmir

KEYWORDS

Geographical Indication (GI), Jammu and Kashmir, Handicrafts, and The Craft Development Institute.

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ABSTRACT Geographical Indication (G.I) has emerged as one of the imperative instrument of intellectual property protection. Geographical Indication (G.I) is used worldwide as an instrument for marketing, branding and diversifying product portfolios. India is blessed to have states like Jammu & Kashmir – blessed with rich climate, soil and natural endowments. The state of Jammu and Kashmir is known throughout the world for its products like Kashmiri Handicrafts, Kashmiri Saffron, Kashmiri Shawls, Scenic beauty and bracing climate. However, in present business environment of competition, globalization and technological developments such ethnic and region specific products are finding hard to compete in the market. Geographical indications have provided respite to such ethnic and region specific products. Geographical indications are little known or poorly exploited in the state of Jammu and Kashmir. The State has made little efforts to protect its ethnic and region specific products through Geographical Indication. The paper aims to illustrate the prevailing practices of Jammu and Kashmir with respect to geographical indication. The paper also sheds light on the potential of Geographical indications in Jammu & Kashmir, particularly in Kashmir region.

Introduction

The state of Jammu and Kashmir is located in the northern most part of the India. The state is famous all over the world for its ethnic and region specific products like Kashmiri carpets, Kashmiri shawls, Kashmiri walnut, Kashmiri apple, Kashmiri saffron etc. These ethnic and region specific products of Jammu and Kashmir have contributed greatly towards the economy of state as well as towards the development of the state. The ethnic and regional products of Jammu and Kashmir have earned a distinction in the international as well as in the domestic markets. However, the markets around the globe are changing rapidly with each passing day. The vibrant marketing environment is creating an almost equal pressure on both multinational organizations, having diverse product portfolio, as well as on indigenous organizations, dealing with ethnic and regional products. The changing business and marketing environment has jeopardized the survival of the ethnic and regional products. The indigenous organizations are facing a lot of challenges to market their products in the vibrant international and domestic markets. The mantra for success in this vibrant business environment is to focus upon the factors, areas and practices that improve the profitability as well as towards strategically fitting the value creation activities and marketing strategies. Indigenous organizations because of their resource constraints and nature of products are finding it hard to focus on diverse marketing functions and areas so as to improve their profitability and survival. For their survival and growth they need a governmental support along with a strategic marketing intervention or tool that can improve their presence in the market (both national and international) as well as their survival and profitability. Geographical Indication (G.I.) is being recognized as an effective marketing tool of great economic value that can give local products a distinguishable identity (Addor & Grazioli, 2002). The ethnic and regional products of Jammu and Kashmir have recognition all over the world but the present business environment and globalization demands such products to be robust and protected so as to sustain in the market as well as uproot the imitated products. And accordingly the state can capitalize on its ethnic and regional products through Geographical indication.

Literature Review Geographical Indication (G.I)

Geographical Indication (G.I.) is a relatively novel but im-

portant instrument in intellectual property protection. The term "Geographical Indication" has been around for many decades, but it is actually since the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) entered into force in the mid-1990s, that it has come into widespread use. According to the 1994 WTO Trade Related Aspects of Intellectual Property Rights (TRIPS) Agreement, Article 22, paragraph 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" (World Trade Organization, 1994).

According to Addor and Grazioli (2002), Geographical indications (G.I.s) are distinctive signs which permit the identification of products on the market. If they are used in the proper way and are well protected, they can become an effective marketing tool of great economic value. GIs indeed convey the cultural identity of a nation, region or specific area. They make it possible to add value to the natural riches of a country and to the skills of its population, and they give local products a distinguishable identity. GIs can be applied to every sort of product. Moran (1993) states, "Geographical indications are much more than the identification of a product with a place, they are a means for the social and industrial groups with rights to them to protect and distinguish their products. Small local producers are able to use them to enhance their reputations, and to sell directly to final demand, thus competing more effectively against large corporations".

The Objectives of the protection of geographical indications are to protect product names from misuse and imitation, to help consumers, by giving them information concerning the specific character and the origin of the products and to encourage diverse agricultural production and rural sustainability (Soeiro, 2005). Further geographical indications:

- are an excellent means to promote rural development,
- an effective market-access tool
- a tool to preserve local know-how and natural resources
- an important part of our culture (O'Connor, 2005).

The Indian G.I. Act

Consequent upon India joining as a member state of the TRIPS Agreement a sui-generis legislation for the protection of Geographical Indications was enacted. The Indian parliament passed the Geographical Indications Act (Registration and Protection) Act 1999 in December 1999. The act has come into force with effect from 15th September 2003. Under this act, the Central Government has established a "Geographical Indications Registry" with all India jurisdictions at Chennai, where the right-holders can register their respective GIs. The GI Act is to be administered by the Controller General of Patents, Designs and Trade Marks, who is the Registrar of Geographical Indications. The Object of the Geographical Indications of Goods (Registration and Protection) Act, 1999 is three fold, firstly by specific law governing the geographical indications of goods in the country which could adequately protect the interest of producers of such goods, secondly, to exclude unauthorized persons from misusing geographical indications and to protect consumers from deception and thirdly, to promote goods bearing Indian geographical indications in the export market." The Indian G.I. Act, defines geographical indication as follows:

"Geographical Indication in relation to goods, means an indication which identifies such goods as agricultural goods, natural goods or manufactured goods as originating, or manufactured in the territory of country, or a region or locality in that territory where a given quality, reputation or other characteristic of such goods is essentially attributable to its geographical origin and in case where such goods are manufactured goods, one of the activities of either the production or of processing or preparation of the goods concerned takes place in such territory, region or locality, as the case may be."

Both Trips agreement and Indian Geographical indication act aims at preserving the rich ethnic and regional products which are facing hardships to compete in the globalized and competition driven markets. Indian geographical act is very much beneficial to the Indian states rich in ethnic and regional products. States like Jammu and Kashmir can avail the benefits of this act for the strategic growth and development of the ethnic and regional products. The present paper aims at investigating the status of the geographical indication in the state and its prospects.

Methodology

The purpose of this paper is to investigate the status of the geographical indication in the state of Jammu and Kashmir as well as its prospect. For this the research design chosen is exploratory in nature. The research used various facts and data available through secondary sources for investigating the status of geographical indication in the state as well as its prospects.

Finding & Discussion

With the coming of Geographical Indication Act in 2003 ,the various states of India has been able to give recognition and protection to its various ethnic and regional products like Darjeeling tea ; Kashmir Pashmina; 'Malabar pepper' 'Navara Rice' and 'Alleppey Green Cardamom' from Kerala ; 'Kangra Tea' from Himachal Pradesh ; 'Bikaneri Bhujia' from Rajasthan ; 'Cora Cotton' from Tamil Nadu; 'Naga Mircha' from Nagaland; 'Allahabad Surkha' from Uttar Pradesh; 'Nakshi Kantha' from West Bengal; 'Coorg Green Cardamom', 'Mysore Betel leaf' and 'Mon-sooned Malabar Coffees' from Karnataka . Geographical indication has made sustainability of ethnic and regional products possible. Geographical indication is still in its infancy stage in India with some states reaping its benefits while as some states like Jammu and Kashmir had initiated the adoption of this act for the protection and recognition of its ethnic and regional products.

Geographical Indication (G.I) Registrations in Jammu & Kashmir

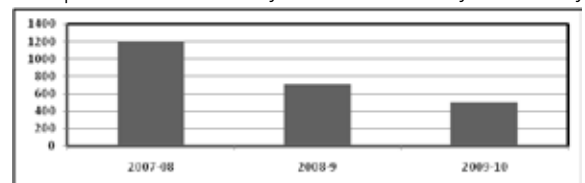
Jammu & Kashmir has a rich history of ethnic and regional products that has evolved over the centuries. The legacy of Jammu and Kashmir ethnic and regional products promises traditional characters, beauty, dignity, different forms to styles etc. The magnetic appeal lies in its exclusivity and mystical value. The handicrafts industry occupies an important place in the economy of J & K. It provides direct and gainful employment to more than 3 lakh people and has the potential to generate more employment in future. The handicraft products have won worldwide acclaim for their exquisite designs, craftsmanship and functional utility. The woollen and silken carpets of the state remain unparalleled on the national scene for quality and design. The crewel, embroidered pashmina, and embroidered raffal shawls, pattern of Kani shawls, intricate wood carving, production of flora design in paper mache goods, etc., are some of the world famous traditional crafts of the state. In fact, the Kashmiri craftsman possessing a unique talent for intricate workmanship is one of the state's most important resources. This industry has a tremendous potential and has to be perceived with concern and with a precise understanding of its values. As an export oriented industry, it has contributed considerably towards foreign exchange earnings worth crores of rupees annually. But the industry is beleaguered with problems like

- absence of brand image,
- growing competition from machine-made products and
- less penetration in domestic market .

If no serious attention is paid, it will result in total abolition of this sector in Kashmir. The industry is facing an all-round assault from counterfeit products within and outside the state. Visitors and buyers fail to differentiate between the hand-made and machine-made products and such fake products are being sold under Kashmir-made label. The boom in counterfeit Kashmir handicraft products have not only demoralized the local 50 lakh Kashmiri handicraft artisans and dealers but have given the industry a bad name and has resulted in the decrease of exports over the years. Jammu and Kashmir had exported handicraft items worth over Rs 500 crores in 2009-10, Rs 705.50 crores in 2008-09 and Rs 1,200 crores in 2007-08.(Refer to Figure No 01)

Figure No: 01 –Trends in Exports of Handicrafts from Jammu & Kashmir

Compiled from Craft Policy Connect ,Quarterly Craft Policy



Update, Volume V, March 2011, All India Artisans and Craft-workers Welfare Association (AIACA) Lately, in order to save the identity of its ethnic and region specific products Government of Jammu & Kashmir took a strategic initiative of using Geographical indication and setting up various supporting agencies and bodies like The Craft Development Institute. The Craft Development Institute is taking the initiative of obtaining geographical indications for ethnic and traditional products of Jammu and Kashmir. To start with, six handicraft products have been registered (Refer to Table no 01). The step is an important one in addressing the needs of handicraft industry in general and the artisan community in particular. The measure is meant to end cheap imitations and increase the brand equity of Indian handicrafts in general and of Jammu & Kashmir particular. Efforts are focused towards building an overall brand identity for handmade products from the state.

Table No 1-Number of GI Products in Jammu & Kashmir, as on October, 2012

S.No	Application No	Geographical Indications	Class	Goods (As per Sec 2 (f) of GI Act 1999)
1	46	Kashmir Pashmina	24	Handicraft
2	48	Kashmir Sozani Craft	24	Handicraft
3	51	Kani Shawl	25	Handicraft
4	181	Kashmir Paper Machie	16& 20	Handicraft
5	182	Kashmir Walnut Wood Carving	8 ,20 & 27	Handicraft
6	204	Khatamband	19& 20	Handicraft

Source: Compiled from GI Registry Office, as on October 2012

Furthermore the state Government has also applied for GI status for more handicraft products like Kashmir silk carpets, Amblikar shawls, Namda and Pinjarkari.(Refer to Table no 02).

Table No 02: -Products of Jammu and Kashmir for which G.I have been applied

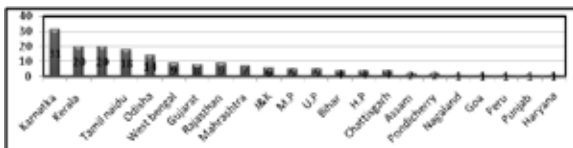
S.No	Product	Category
1	Amlikar Shawl	Handicraft
2	Namdha	Handicraft
3	Pinjarakari	Handicraft
4	Silk And Woolen Carpets	Handicraft

Source : "Kashmir Pashmina , Kanni Gets G.I Cover, Indian express news

Composite Ranking of the State

Jammu & Kashmir stands 10th on the basis of geographical indications registered. The geographical indication in Jammu & Kashmir is not very much impressive because of its less number of products registered under geographical indication despite of rich ethnic and region specific product range. Karnataka, for example, have registered 31 geographical indications for its ethnic & traditional goods. Jammu & Kashmir has so far obtained only 6 geographical indications for its ethnic and region specific products despite of long list of such products. (Refer to Figure No: 02)

Figure No: 02 Composite Ranking

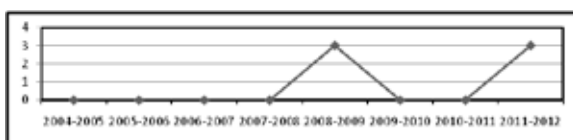


Source: Compiled from GI Registry as on October 2012

Filing Trend of Geographical Indications in Jammu & Kashmir

Although lately, the state of Jammu and Kashmir realized the benefits and importance of the geographical indication. The state opted for registering its ethnic and geographical products in 2008. The trends and patterns in the year wise distribution of Geographical Indications in Jammu & Kashmir show that while there has been an overall increase in the number of geographical indication registered products. But the pattern of this increase has not been consistent over the years. No product was registered till 2008 inspite of the fact that other states were registering their products from 2004, only three (3) products were registered in the year (2008-2009) and 3 new products were registered in the year (2011-2012). (Refer to Figure no 03).

Figure No 03: Filing Trend of Geographical Indications in Jammu & Kashmir



Source: Compiled from GI Registry, as on October 2012

Further the category receiving the most protection are handicrafts .Out of the total 6 registered products of Jammu and Kashmir under Geographical indication all belong to the handicrafts category.(Refer to Table No 03).

Table No 03 : Category wise registered products of J&K under G.I

Product Category	Number of registered products
Agriculture	0
Handicrafts	6
Manufactured	0
Food Stuff	0
Total	6

Source: Compiled from GI Registry Office, as on October 2012

Geographical Indications are known for the benefits they bring to their production region, but to this date there are only six successful cases of products protected by this intellectual property right in the state of Jammu & Kashmir. According to the 2012 data, the 6 products registered are of Kashmir origin and none of Jammu and Ladakh origin. Thus the present status of the state of Jammu and Kashmir reflects that the state is more concerned and focused towards the handicraft products. This myopic orientation of the state can prove very much detrimental to the other ethnic and region specific products of the state. While other states in India have moved forward in protecting their agricultural products e.g. Darjeeling tea, Cora Cotton, Malabar pepper etc. Till date no agricultural products of state of Jammu and Kashmir has been registered under geographically indication despite having agricultural products like Kashmiri Saffron, Kashmiri Apple etc. which can be registered under geographical indication based on their geographical uniqueness and reputation . In manufactured and food stuff category also Jammu & Kashmir lacks behind than other states. The food stuff like Kashmiri Wazwan offers huge prospect for being registered under geographical indication. The ethnic and regional products of Jammu and Kashmir offer huge potential in terms of generating revenues and building employment avenues for the state.

Prospect of geographical indications in Jammu and Kashmir

The products identified as potential candidates for geographical indication registration are selected on the basis of their social, cultural and economic importance locally. Further, these products have qualities that derive from their place of production and are influenced by special factors such as climate, and type of soil. The state of Jammu & Kashmir has rich heritage of ethnic and regional products which are known all over the world for their geographical roots such as Kashmir Pashmina, Kanni shawl, Kashmiri saffron etc. So far state has acquired geographical indication for some handicrafts products such as Kashmir Pashmina, Kanni shawl etc., which have helped state to generate revenues and build up enormous goodwill and reputation both at national and global level. State has huge panorama for using geographical indication for its other ethnic and regional products. The state offers rich product range from agricultural products to handmade products that can be registered under geographical indication. The diverse climatic zone in the state gives ample opportunity for to state for cultivation of crops which are famous all over the world for their geographical location. Jammu & Kashmir is home to some world famous varieties of

fruits (like apple, cherry etc.), dry fruits (walnut, almond etc.), honey and saffron. These products offers huge prospect for getting registered under geographical indication. The state is rich producer of apples. Jammu & Kashmir is well known for its apple exports as about 57 per cent of the national produce of apples is contributed by the state. Kashmiri walnut is also famous all over the world for its taste and quality. Kashmiri walnut production is one of the important contributors that give India a recognition of being 6th largest producer of walnut in the world. Similarly agricultural products like Kashmiri Saffron have huge prospective potential for getting registered under geographical indication. Kashmiri Saffron is world's finest saffron and is famous all over the world for its aroma, colour and quality. The list of the product is vast and large which offers panorama for geographical indication registration like Kashmiri Honey, Kashmiri willow, Kashmiri copperware, Kashmiri Wazwan, Kashmiri Chain stitch etc. Based on the fact that these products are made in Kashmir & have their own quality, culture, history, and tradition, all of which are unique and original.

Conclusion

The state of Jammu & Kashmir is blessed with many ethnic and geographically unique products. These products have given a recognition and fame to the state. The legacy of Jammu and Kashmir ethnic and regional products promises everything from traditional characters, beauty, dignity, different forms and styles. The magnetic appeal lies in its exclusivity and mystical value. However, most of these products are struggling with problems like absence of brand image, all-

round assault from counterfeit products within and outside the state etc. To overcome such problems state of Jammu and Kashmir opted for geographical indication in 2008. Although lately, the state of Jammu and Kashmir has realized the benefits and importance of the geographical indication. The state has so far brought six of its ethnic and region specific products under geographical indication. All of these products belong to only one product category i.e. Handicrafts. The state has huge panorama of using geographical indication for its unique and famous ethnic and regional specific products. However, lack of knowledge about intellectual property rights is not giving proper value and recognition to the geographical indication in the state. Further myopic orientation of Government and supporting agencies and bodies are not giving an appropriate impetus for getting other category of products registered under geographical indication. Due to which still a large number of ethnic and regional products of Jammu and Kashmir are becoming prey of spurious marketers who sell fake products on the label of "Made in Kashmir or Kashmir Made". This is not only creating revenue losses to the state but also is tarnishing the image of the state in the market both in the international as well as national markets. This is going to be very much detrimental to ethnic and regional products of the state of Jammu and Kashmir in the future. The Jammu & Kashmir government needs to establish policies and mechanisms designed to identify products with potential for protection through geographical Indication registration, to raise awareness of society and to offer financial support for acquisition and exploration of new geographical Indications.

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