PROTECTION OF A PRODUCT’S ORIGINALITY AS GEOGRAPHICAL INDICATION- A COMPARATIVE ANALYSIS OF ASIAN PERSPECTIVE

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ABSTRACT
Geographical Indication takes into account the quality of every product based on the area from where a product is produced or originated. After it is established that a particular product or goods emerge from that place, then such product is qualified to be registered as a geographical indication and accordingly gets the Geographical Indication Tags. This research paper aims to draw a comparative analysis of the system of protection of geographical indications between the developing countries of Asia. The study is conducted for four major countries- Bangladesh, Sri Lanka, India, and Thailand. Each country has a unique sui generis system to protect the originality of its products as the geographical indication. The research paper takes a dig at finding out the possible opportunities and the weakness associated with such protections of Foodstuffs, Handicraft products, Textile products, and agricultural products. To sum up, the research paper concludes that Geographical Indications are much more than a geographic name-noting system. They recognize a good or a product based on a demarcated territory or region. Considering such developing countries, where there are the least geographical indications protection systems, it becomes quite applauding that these countries have put an effort in protecting their product’s originality and traditional knowledge at the national level as well as the international level.

I. INTRODUCTION- CONCEPT OF GEOGRAPHICAL INDICATION
Geographical Indication as the name is self-explanatory that it is used to identify the geographies of the product. Geographical Indication (GI) indicates that particular goods originate from a country, region, or locality and have some special characteristics, qualities, or reputation, which is attributable to their place of origin.[1] The nexus between the product and the region becomes so eminent that when a person talks about a place, the product instinctively comes into the mind and vice versa. It is the place of origin of every product that helps in distinguishing the product from each other. Geographical Indication takes into account the quality of every product based on the area from where a product is produced or originated. After it is established that a particular product or goods emerge from that place, then such product is qualified to be registered as a geographical indication and accordingly gets the Geographical Indication Tags. For a product to get itself registered as a Geographical Indication, the product must derive its qualities and reputation from that place.

II. DEFINITIONS
The term ‘goods’ as mentioned under the Act[2] includes any agricultural, natural, or manufactured goods and goods related to handicrafts, or any industry and or foodstuff. Thescope of this definition as compared to what has been mentioned under the TRIPS (Trade-Related Aspects of Intellectual Property Rights) guidelines concerning the same is much narrower. Another question arises as to from where this definition has been derived and keeping what criteria as the basis since it was not mentioned in TRIPS.[3]

The definition as provided by Section 2 (b) along with the interpretation of Section 17 of the Act attributes to the ambiguity of the terms ‘authorized user’ and ‘person’. As per the General Clauses Act, 1897, the term ‘persons’[4] may include an organization or body of individuals whether incorporated or not. This means that such authorized user or producer(s) can also be agovernmental organization as covered within the scope of the definitions of the Act. Some level of vagueness is also found in Section 2 (k) of the Act where producers of a good include the whole process of packaging and exploitation of natural goods which again includes any organization/company/association other than the true producers who must benefit from such protection under the law.
III. REGISTRATION

The process of registration under the Act mentions that the Registrar will constitute a Consultative body of experts to examine an application of Geographical Indication. However, even as per Rule 33 of Geographical Indication Rules 2002, there are no criteria mentioned as to how such individuals qualify to be a member of such a body. Further, it is important to note that Registration is the ultimate step in the process of protection under the Act. This means that a mechanism to ensure proper quality checks and routine measures regarding awareness etc. have not been covered by the Act.

IV. ENFORCEMENT MECHANISM

A recent example of how Bengal and Odisha had a war over the claims of Rasogolla [5] shows the lack of proper implementation on the part of the Act. There could be various contributory reasons for this. The foremost being the lack of funding under the Act as there is no provision to ensure a proper body that helps enforce the laws effectively. For example, the mention of the city of Tequila, Mexico spontaneously takes the mind of the people to the spirit of Tequila that is produced there. A few more examples of Geographical Indication are Parmesan cheese, Swiss watches, Champagne, Cuban cigars, Cognac, Basmati for rice, Darjeeling Tea, etc.

The Quality and characteristics of the product are exclusively and essentially derived from the geographical environment, including natural and human factors. [6] Geographical indication identifies a product as coming from a place where a given quality, reputation, or another element of goodness is due to its geographical origin. They do not give the right to control the use of certain information, but only limit the number of people who can use a particular brand. They are not freely transmitted from one owner to another and can be seen as long as the shared culture is maintained. That is why Geographical Indication can be seen as a tool for the protection of Traditional knowledge. Traditional knowledge can be defined as the knowledge, innovations, and practices of indigenous peoples and local communities. Traditional knowledge includes knowledge of plants and animals and their protection, minerals, and soil and their protection, combinations of organic and inorganic matters, process and technologies, means of enhancing individual health, means of maintaining social cohesion and social health, culture. [7] The concept of Geographical Indication and Traditional knowledge go hand in hand. The geographical indication of a particular region holds the same value as the trademarks for any product does. The interconnection between the product and the place has become very common now. Geographical indications are economically and culturally notable.

Methodology

This paper is descriptive and suggestive. This is short research. It was almost difficult to do wide fieldwork because of a lack of time and opportunity. This paper is based on secondary data collected from textbooks on Intellectual Property Rights, journals, newspapers, websites. The collected data have been processed and prepared in the past form to make the study more informative, analytical, and useful for the users.

Data Collection

To call any research authentic, there are various steps involved but the basis of every kind of research consists of collecting data. Be it the already existing data that has to be reviewed or a unique survey/interview that helps the researcher reach a conclusion, data the collection forms an integral part of the research. This paper includes data in two forms, namely, Primary Sources (that is, the laws and judicial pronouncements) and the Secondary Sources (that is, articles, blogs, books, and journals of other authors).

Primary Sources

As mentioned above, Primary sources include enactments and case laws previously decided by the courts in respect of the concerned research. In this paper, these resources will help us get a clearer and better understanding of what exactly is mentioned under the laws and how it operates creating an impact on the lives of those related to it.

1. Geographical Indications Act 1999:
2. Geographical Indications Rules 2002:
3. The Lanham Act 1946/ US Trademark Act 1946:

Legal Pronouncements

www.turkjphysiotherrehabil.org
A. Secondary Sources

Secondary sources include all the blogs, journals, articles, and books that have been referred to make this research comprehensive yet specific. These are discussed as follows:

a) Relocating the law of Geographical Indications[8]


Geographical Indication in Asian Perspective

In the Asian context, this trade-based reality is not as clear as in the West. Nevertheless, recent years have witnessed the proliferation of *sui generis* legislative endeavors toward GI protection in Asia. Asian countries mostly relied on culture-based justifications to support the protection of GIs at the domestic level. For example, India currently possesses more than two hundred registered GIs for different ranges of products, including foodstuff, fabric, jewelry, and furniture, the trade importance of which is yet to be established.[10] In the contrast, Singapore in the initial days provided automatic protection to the geographical indication without getting the product registered. However, this law was later replaced by the new law. So, in general, the provisions relating to the protection of geographical indication and traditional knowledge differ from territory to territory, even in the same continent.

Geographical Indication (GI) indicates that particular goods originate from a country, region or locality and has some special characteristics, qualities, or reputation, which is attributable to its place of origin.[11] The nexus between the product and the region becomes so eminent that when a person talks about a place, the product instinctively comes into the mind and vice versa. It is the place of origin of every product that helps in distinguishing the product from each other. Geographical Indication takes into account the quality of every product based on the area from where a product is produced or originated. After, it is established that a particular product or goods emerges from that place, then such product is qualified to be registered as a geographical indication and accordingly gets the Geographical Indication Tags. For a product to get itself registered as a Geographical Indication, it is important that the product derives its qualities and reputation from that place.

For example, the mention of the city of Tequila, Mexico spontaneously takes the mind of the people to the spirit Tequila that is produced there. A few more examples of Geographical Indication are Parmesan cheese, Swiss watches, Champagne, Cuban cigars, Cognac, Basmati for rice, Darjeeling Tea, etc.

The Quality and characteristics of the product are exclusively and essentially derived from the geographical environment, including natural and human factors.[12] Geographical indication identifies a product as coming from a place where a given quality, reputation, or another element of goodness is due to its geographical origin. They do not give the right to control the use of certain information, but only limit the number of people who can use a particular brand. They are not freely transmitted from one owner to another and can be seen as long as shared culture is maintained. That is why Geographical Indication can be seen as a tool for the protection of Traditional knowledge. Traditional knowledge can be defined as the knowledge, innovations, and practices of indigenous peoples and local communities. Traditional knowledge includes knowledge of plants and animals and their protection, minerals, and soil and their protection, combinations of organic and inorganic matters, process and technologies, means of enhancing individual health, means of maintaining social cohesion and social health, culture.[13] The concept of Geographical Indication and Traditional knowledge go hand in hand.

The full-fledged protection to geographical Indication was granted in four stages. Before the TRIPs agreement three other agreements led to the need for the preservation of geographical Indication. For the very first time, the Paris Convention of 1883, in its article 1, mentioned the protection of source or appellation and prevention of unfair competition.
Also, article 10 of the Paris convention provided for preventing direct or indirect use of a false indication of the source of goods or the identity of the manufacturer, producer, or merchant. [14]

Later, the Madrid agreement of 1891 additionally validated the provisions of the Paris Convention and further added upon that when a product is highly known and popular, reason being its place of origin, then the place can be used to describe the product together with its assurance of the quality. Though like the Paris Convention, the Madrid agreement limits itself basically to border measures, yet the scope of the Madrid Agreement is wider than that of the Paris convention. [15] In 1958, the Lisbon agreement finally defined an appellation of origin as the geographical name of a country, region, or locality, which serves to designate a product originating therein, the quality and characteristics of which are due exclusively or essentially to the geographical environment, including natural and human factors. [16] Hence, it was for the first time through Lisbon agreement that the to make certain the standard of a good, both natural and human factors were recognized. Following this was the TRIPS agreement in 1995, which made it mandatory for the governments of the countries ratifying the agreement, to provide legal opportunities in their laws for the owner of the geographical indications, registered in their countries to prevent the use of the geographical name which falsely represents that the product comes from elsewhere. [17]

In 1994, the United States is a member of the World Trade Organization was under the obligation to abide by the Trade-Related Aspects of Intellectual Property Rights agreement. This meant that the United States was under the compulsion to protect the goods of origin, also known as, Geographical Indications. I succeeded in securing a separate category in the TRIPS, under Article 22. It read as follows:

“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 geographic origin.” [18]

This provision provides a defense against demands for higher levels of protection or for ignoring the transitional terms provided for by the agreement. [19] This means that the agreement cannot be considered to be fully independent in its applicability but instead to be used as an interdisciplinary instrument that provides additional protections for Intellectual property rights (IPRs). Members can flexibly execute the provisions of the agreement accordingly to their country’s legal approach, which implies that the member cannot be compelled to provide ‘more extensive’ protection but also, on the other hand, the member countries cannot confer a lower level of protection provided under the agreement. This determination of the scope and purpose of an agreement is vitally important as it harmonizes the structure in which a treaty is supposed to set out and function. And that the signing member countries can also comply with the provisions. The compliance of the signatory parties implies that the countries are ready to observe the treaty in good faith [20] and shall give effect to the same. The comprehensiveness of the execution of the agreement is determined by the scope of such agreement.

Article 1.2 of the TRIPS agreement states that “For this agreement, the term ‘Intellectual Property’ refers to all categories of Intellectual property that are the subject of Sections 1 through 7 of Part II.” So, the ambit of TRIPS Agreement is contemplated to include Copyright and related rights, Trademarks, Patent rights, Industrial designs Geographical Indications, the layout-designs of integrated circuits, undisclosed information, the anticompetitive practice in contractual licenses, and other rights as stated in Part II of the TRIPS agreement. This grouping of Intellectual Properties establishes the extent of the general subjectmatter of the TRIPS agreement. The contents of Part II of the TRIPS agreement also reflect that the negotiating parties commenced their negotiations by seeking to regulate the Trade-Related aspects of intellectual property rights and not intellectual property rights as such. [21] The scope of the TRIPS agreement further requires Member states to incorporate complex substantive legal standards into domestic laws. [22] Standards, floatation, and dispute settlement are the three dominant attributes of the TRIPS agreement.

Provisions relating to geographical indication in the TRIPS agreement

Article 22 and 23 of the TRIPS Agreement provides a reference to the protection of geographical indication. Geographical indications are, for 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 another characteristic of
Bangladesh is the hub of many traditional products. The Parliament of Bangladesh passed the Geographical Indication (Registration and Protection) Act in 2013. Earlier there were no laws that protected the products of Bangladesh and this is the reason why Bangladesh has comparatively fewer geographical indications today. The conceptualization of geographical indication and protection of its rights are moderately a contemporary issue. The people in Bangladesh are unaware of their rights to protect any of their distinctive featured goods. The sanctioning of the Act proves to be of great importance for the traditional knowledge holders of Bangladesh and the same is the byproduct of their demands as well. The journey of protecting Geographical Indication in Bangladesh began with a sui generis system through the adoption of the GI act of 2013. The Act was enacted taking into consideration the minimum standards provided by the TRIPs agreement but was also extended to products of agriculture, handicraft, etc. The Act has a total of 10 chapters and 46 sections. The present geographical indications of Bangladesh are as follows:

<table>
<thead>
<tr>
<th>Geographical Indication</th>
<th>Type of product</th>
<th>Country of origin</th>
<th>Legal protection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bangladeshi Hilsha</td>
<td>Food product</td>
<td>Bangladesh</td>
<td>Sui generis</td>
</tr>
<tr>
<td>Jamdani</td>
<td>Textile</td>
<td>Bangladesh</td>
<td>Sui generis</td>
</tr>
</tbody>
</table>

The above table depicts the exact number of geographical indications tagged products. Jamdani is a fine muslin textile (figured with different patterns) produced for centuries in the South Rupshi of Narayanganj district in Bangladesh. The preparation of the material of the sari is also recognized as the ‘intangible cultural heritage of humanity. The country received a GI status for Jamdani sari in the year 2016 and was the first of its kind. Bangladeshi Hilsha has also been acknowledged as one of the protected products under their sui generis system. It is Bangladesh national’s popular fish and is registered as the country’s second geographical indication in 2017. The GI Act of 2013 provides for registration as a means of protection of GIs under Chapter IV of the Act, but unregistered GIs are also protected under the GI Act if the indication is true as to its place of origin. So, the Geographical Indication Act, 2013 takes a step to protect the registered as well as unregistered products in Bangladesh. However, the enactment of the GI Act of 2013 is merely the first step in a longer process of recognition, commercialization, and management of Bangladeshi GIs and GI-denominated products. Moreover, alone, the GI Act may not be adequate to successfully protect the cultural heritage of Bangladesh. In any event, to preserve the cultural heritage of Bangladesh, the first task to be undertaken is to identify products that can be protected as GIs.
Protection of Geographical Indication in Sri Lanka

Sri Lanka is one of the developing countries of southeast Asia which has preserved its traditions and culture in the form of food products. As far as the protection of the Geographical Indications is concerned, currently, the GI in Sri Lanka is protected under Trademark Registration as Collective Marks and Certified Marks. A collective trademark, collective trademark, or collective mark is a trademark owned by an organization, used by its members to identify themselves with a level of quality or accuracy, geographical origin, or other characteristics set by the organization. A collective mark differs from the certified marks in a way that the latter are the marks that can be used by anyone who qualifies with the minimum standards prescribed by the TRIPs agreement. GIs can also be protected under the laws of unfair competition and misrepresentation as to GI is an offense punishable as provided in the Act. [33] In this way, the products of Sri Lanka have the benefit of getting protected under the National law of any particular country, which are the members of the World Trade Organization (WTO). The provisions relating to Sri Lanka’s sui generis GI system are contained in Chapter XXXIII of the IP Act of 2003, which repeats and expands the definition of “geographical indications” provided in TRIPS. [34]

<table>
<thead>
<tr>
<th>Geographical Indication</th>
<th>Type of product</th>
<th>Country of origin</th>
<th>Legal protection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ceylon Cinnamon</td>
<td>Food product</td>
<td>Sri Lanka</td>
<td>Sui generis</td>
</tr>
<tr>
<td>Ceylon Tea</td>
<td>Food Product</td>
<td>Sri Lanka</td>
<td>Sui generis</td>
</tr>
</tbody>
</table>

Source: Organization for an international geographical indication network

The above table consists of the two most famous geographical indications of Sri Lanka. Sri Lanka is a small country with less production of goods but still, Ceylon Tea is Sri Lanka’s best-known geographical indication around the globe. Sri Lanka is the fourth-largest producer of tea in the world. No wonder why the Ceylon Tea has been registered and protected as the Geographical indication. Another product, for which Sri Lanka is famous, is the ‘true cinnamon or the Ceylon cinnamon. It is also exported on a large scale from the country and so it is protected as the certified mark. Many other goods can be exported from Sri Lanka to the rest of the world but since there is no standard legal system for the protection of the rights of the producers, so many of the producers fail to export their products internationally. In particular, there is one major hurdle in the protection of GIs in Sri Lanka to date, namely, there is no registration-based system for GIs under the Sri Lankan GI regime. Instead, producers have to turn to the trademark system to obtain a trademark registration through which they can protect their geographical names. Generally, this involves applying for certification or collective trademark under Sri Lankan trademark law. The lack of a registration-based system under the Sri Lankan GI regime has attracted criticism and raised concerns about the functionality, enforcement procedures, and level of protection and has prompted a call for an update to ensure that Sri Lankan products enjoy fuller protection. [35]

Protection of Geographical Indication in India

India is one of the immediate neighbors of Sri Lanka and is similarly rich in its traditional knowledge and cultural heritage. However, both the countries differ from each other heavily when it comes to the protection of their geographical indications. India has been additionally energetic in protecting the rights of the traditional knowledge holders and also more driven towards the registration of the products as the geographical indications. In India, the products are protected as sui generis under the Geographical Indications of Goods (Registration and Protection) Act, 1999. There are a total of IX chapters and 87 sections in the former enactment. Geographical indication, about goods, means an indication which identifies such goods as agricultural goods, natural goods or manufactured goods as originating, or manufactured in the territory of a country, or a region or locality in that territory, where a given quality, reputation, or another characteristic of such goods is essentially attributable to its geographical origin and in the 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. [36] India has a channelized system to protect its products from any kind of infringement. Also, India prohibits the registration of geographical indications as trademarks. [37] Some of the globally famous goods of India having the Geographical Indication tags are as follows:

<table>
<thead>
<tr>
<th>Geographical Indication</th>
<th>Type of product</th>
<th>Country of origin</th>
<th>Legal protection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alphonso</td>
<td>Food product</td>
<td>India</td>
<td>Sui generis</td>
</tr>
</tbody>
</table>
In India, there are 330 registered Geographical indications to date. The above table attempts to explain that the products that are registered and protected under the sui generis system in India are not restricted only to the food items or the wines and spirits. The TRIPs agreement has provided additional protection to the wines and spirits. [38] But, complying with the minimum standards prescribed by the TRIPs agreement, India has attempted to extend its protection to other variety of products as well, which includes handicraft products, Textile products, Embroidery and fabrics, wooden products, etc.

**Protection of Geographical Indication in Thailand**

The adoption of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) poses significant implications for a developing country such as Thailand, where agriculture is a large share of its domestic and export markets. [39] The products as the geographical indications are protected in Thailand under the Geographical Indication Protection Act of B.E. 2546 (2003). The Act has VII chapters and 43 sections. As a geographical indication represents the origin of a product this conveys to a consumer that there are special features or qualities possessed by that product as compared with one produced elsewhere. A relevant example here is a product known by the name “Petchabun Sweet Tamarind”. The product name consists of the words “Sweet Tamarind”, indicating the type of product, and the word “Petchabun”, which denotes the origin of the product. Here are some of the famous Geographical indications of Thailand listed below:

<table>
<thead>
<tr>
<th>Geographical Indication</th>
<th>Type of product</th>
<th>Country of origin</th>
<th>Legal protection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bang Khla</td>
<td>Food Product/ Aromatic Coconut</td>
<td>Thailand</td>
<td>Sui generis</td>
</tr>
<tr>
<td>Cha Chiang Rai</td>
<td>Food product/ Tea</td>
<td>Thailand</td>
<td>Sui generis</td>
</tr>
<tr>
<td>Durian Nont</td>
<td>Food product/ Cereals</td>
<td>Thailand</td>
<td>Sui generis</td>
</tr>
<tr>
<td>Kaffe Doi Chaang</td>
<td>Food Product/ Coffee</td>
<td>Thailand</td>
<td>Sui generis</td>
</tr>
<tr>
<td>Khao Hom Mali</td>
<td>Food Product/ Rice</td>
<td>Thailand</td>
<td>Sui generis</td>
</tr>
<tr>
<td>Khao Tang Lampang</td>
<td>Food product/ Cake</td>
<td>Thailand</td>
<td>Sui generis</td>
</tr>
<tr>
<td>Krueng Jak Sang Phanat Nihom</td>
<td>Bamboo basketry</td>
<td>Thailand</td>
<td>Sui generis</td>
</tr>
<tr>
<td>Lukyee Yarang</td>
<td>Foodstuff/ Tamarind</td>
<td>Thailand</td>
<td>Sui generis</td>
</tr>
<tr>
<td>Moo Yang Muyang Tung</td>
<td>Food Stuff/ roast pork</td>
<td>Thailand</td>
<td>Sui generis</td>
</tr>
</tbody>
</table>

Source: Organization for an international geographical indication network

The table above shows some of the world-famous products which haveregistered as the geographical indications in Thailand. Thailand has a total number of 139 registered Geographical Indications to date. The country
provides the majority of protection to food products and agricultural products. Unlike India, the country does not register handicraft products as such. In Thailand, Geographical indication is defined as a name, symbol, or any other thing used for calling or representing a geographical origin and capable of identifying that the goods originating in that geographical origin have a particular quality, reputation, or characteristics of which is attributable to such geographical origin. [40]

Judicial Analysis

A case study of Darjeeling tea

It becomes very important to mention the case study of Darjeeling tea while talking about the Asian countries and their geographical indication. In India, Darjeeling tea was the first to get the GI tag and it is one of the most important geographical indications of the country. The issue here arises with the increasing misuse of the Darjeeling tea logo by the developed countries like France and Japan. Illicit export of the tea from the country, Adulteration, and blending by the countries like Nepal, Kenya, etc. have badly hit the coveted high price of the Darjeeling tea. This is the reason why there are different steps taken and efforts have been made to protect this product under the TRIPs agreement. The infringement of Darjeeling tea is global and is still in existence today.

Dispute between India and Bangladesh

Recently, in the year 2019, a dispute arose between two Asian countries over the registration of the Geographical Indication. The contentions took place between India and Bangladesh over one of the most popular varieties of mangoes that are Kirsapati mangoes, also known as Himsagar. It was alleged by India that the variety of mango has already been registered as a GI tag in their country around 10 years ago. So, the recognition of this Geographical indication in Bangladesh is not valuable. There had been no judgment till now for the same. But the producers of the Kirsapati mangoes in India are taking initiatives to secure their Geographical Indication claim. This dispute digs into a very important query of how a product registered in one country can be saved in any other country. There is no standard system that helps the producers and dealers of a particular product to save their goods from traveling borders. Since the legal provisions vary from country to country and so the chances are more that there is an infringement of the rights of the geographical indications.

The Case of Jasmine Rice (Khao Hom Mali)

Jasmine Rice or Khao Hom Mali is primarily grown in the regions of Thailand. The vast majority of jasmine rice exported overseas to North America and Europe is Thai jasmine rice. The Thai government has played an important role in securing property rights to Thai Hom Mali, the brand name for Thai jasmine rice, in important export markets, as well as enacting laws that explicitly define the grades for differently priced types of milled rice. Technological innovations, including combine harvesting that has reduced labor costs as well as grain breakage during milling due to timely harvesting, mechanical drying and parboiling, novel utilization of the rice husk as fuel, and extraction of high-quality oil from the rice bran, have all added substantial value to each ton of rice. [41]

Table of Comparison

<table>
<thead>
<tr>
<th>Countries</th>
<th>Sui generis System Act</th>
<th>Producer’s Knowledge of their Rights</th>
<th>Types of Products registered</th>
<th>Term of Protection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bangladesh</td>
<td>Geographical Indications (Registration and Protection) Act, 2013.</td>
<td>Lack of knowledge of legal provisions among producers, general people have inadequate information regarding the importance of GI goods.</td>
<td>Food products Also aim to protect Registered as well unregistered products.</td>
<td>The protection to a product is provided for a term of 5 years.</td>
</tr>
<tr>
<td>Country</td>
<td>Act and Registration Details</td>
<td>Legal Position</td>
<td>Products Registered as GIs</td>
<td>Duration</td>
</tr>
<tr>
<td>------------</td>
<td>------------------------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>Sri Lanka</td>
<td>No Act, Protected under Trademarks registration as collective marks and certification marks.</td>
<td>Lack of knowledge and No law and No registration-based system for GIs.</td>
<td>Fails to allow the registration of GIs in a national registry but mostly food products are registered as GI.</td>
<td>10 years</td>
</tr>
<tr>
<td>India</td>
<td>Geographical Indications of Goods (Registration and Protection) Act, 1999.</td>
<td>Producers have full knowledge of their rights and the existing legal system.</td>
<td>Food product, Handicraft product, Textile product, embroidery products, pottery, agricultural products.</td>
<td>10 years</td>
</tr>
<tr>
<td>Thailand</td>
<td>Geographical Indication Protection Act of B.E. 2546 (2003)</td>
<td>Producers have full knowledge of their rights and the existing legal system.</td>
<td>The majority of food products and agricultural products are registered as GI.</td>
<td>10 years</td>
</tr>
</tbody>
</table>

**V. CONCLUSION**

This is a qualitative research based on literature review and mainly carried out by the reference of primary and secondary data such as statutes, international treaties, academic writings, journal articles, and e-sources. The comparative analysis of the successful legal position in selected jurisdictions such as India has been followed in concluding. Geographical Indications are much more than a geographic name-noting system. They recognize a good or a product based on a demarcated territory or region. Especially in Asian countries, where the people are more associated with their culture and traditions, it becomes necessary to protect the products based on their origins. While making a comparative analysis of these four countries, it is quite evident that India has put in the most endeavor to protect it protect at a national level as well as at the international level. Also, India has the highest number of Geographical Indications among these countries currently. As explained herein, the status of geographical indication in Sri Lanka is not up to the mark and requires a sincere effort by the government of that country to protect the products. Every country has its system of protection. That is why the system varies from one country to another. Comparing the above countries, a conclusion can be drawn that the government of Bangladesh and Sri Lanka should make some possible and visible attempts to save their products as both countries have many products lined up for receiving the Geographical Indication tags.

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24. Article 22(3), TRIPS
26. TRIPS agreement
28. Article 23(1), TRIPS agreement.
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32. Section 3(42) of the General Clauses Act 1897.
34. Trade Related Aspects of Intellectual Property Rights, herein after referred as TRIPS.
36. Section 2(e), Geographical Indications of Goods (Registration and Protection) Act, 1999, India.
37. Section 25, Geographical Indications of Goods (Registration and Protection) Act, 1999, India.
38. Article 23, TRIPS agreement.
40. Section 3(a), Geographical Indication Protection Act of B.E. 2546 (2003)