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Book Review

Lalitha, N. and Vinayan, S., Regional Products and Rural Livelihoods: A study on Geographical Indications from India. Oxford University Press, Delhi, 2019, pp. 180.

The art of making Aranmula kannadi (mirror) has been passed down generations in the Vishwakarma caste in Aranmula, a small town in Kerala, India. The grant of a geographical indication ('GI') in 2005 has benefited the reputation of this regional product and has, as per the sellers, increased the demand. Whether this has increased the incomes of local artisans is hard to say. There are sustained efforts by the proprietor of the GI, Parthasarthy Handicrafts Centre, to spread awareness about the product. One way is through a locally broadcast documentary on the making of the mirrors, and a second is by ensuring that sellers inform buyers about the GI registration. It seems that the GI has been effective in keeping the production of the mirror within the Vishwakarma caste, if not within Aranmula. The Aranmula kannadi is one of eight GIs from southern India studied by the authors of the book.

GIs are currently being promoted as a tool for rural development in India and abroad. The positive externalities associated with the functioning of GIs have led several scholars, including the authors of the book, to argue that GIs have the potential to lead to not just economic or socio-economic development but also 'sustainable development'. GIs today protect the full spectrum of product connections to *terroir*, i.e. not only the link with the natural environment but also the human skill *and* a combination of the two. This marks sustainability of the production process and sustainable development as a legitimate concern. The positive externalities of GIs are protection of traditional knowledge and biodiversity, preservation of social, cultural and environmental resources, increased tourism which further promotes economic growth in the region, etc. Current literature coincidentally points out negative externalities (labour abuses in the national and global supply chain, over-extraction of environmental resources) and governance challenges (e.g. institutional monocropping) that raise doubts on whether GIs are the right way to go for every product. Researchers studying GIs in action have often lamented about the lack of empirical studies on GI products from developing countries which aid further research into the effectiveness of GIs as a tool for development.¹ The authors of this book have done so by navigating the existing research on GIs and conducting an empirical study of eight lesser known GIs from rural India. While

¹ Cerkia Bramley and others, 'The Economics of Geographical Indications: Towards a Conceptual Framework for Geographical Indication Research in Developing Countries' in *The economics of intellectual property* (WIPO 2009) 131; Pradyot R Jena and Ulrike Grote, 'Changing Institutions to Protect Regional Heritage: A Case for Geographical Indications in the Indian Agrifood Sector' (2010) 28 *Development Policy Review* 217, 228.

the scene for the study is set in five states of southern India, it has important lessons for development policies involving GIs globally.

The first chapter in the book provides a state of the art on GI's potential for development. Originating from the French concept of *terroir*, GI law has undergone a transformation as it became globalised and was adopted by member states of the WTO as a TRIPS obligation. The authors touch upon the rationale for protecting GIs but limit themselves to economic reasons. The success of a GI in this chapter is still understood in primarily economic terms. The reader need not worry about the assumption that profits from the sale of the product automatically trickle down, because this assumption is soon refuted by the authors' own empirical research in the following pages. The chapter reflects on the positive and negative externalities from protecting GIs and identifies the importance of governance and collective action by the producers for limiting negative externalities. In this respect, the authors highlight the research of Dr. Delphine Marie-Vivien (who also wrote about GIs from southern India in her PhD) that shows how the French government has eventually distanced itself from setting standards in GI specifications and how this has become a private endeavour by the producers.² Since TRIPS only sets minimum standards instead of dictating a single approach for the protection of GIs, countries can be flexible in designing these laws. Additionally, governance of GIs can be top-down or bottom-up depending on the awareness level of producers and the finances available. In low-income countries, it makes good sense for states to initiate GI registration but also to establish mechanisms which brings all parties-local governments, consumers and all levels of producers in the supply chain- on board. The first chapter also includes a state of the art on methodologies used to conduct empirical research of GI products. The authors adopt a theory of change approach which analyses the input of stakeholders and the outcomes and impact of GI registration. The approach follows six stages or impact pathways of the GI process ("institutional establishment, institutional embedding, quality control, market recognition, monitoring of use and violations and localized value culture"),³ identifies the outcomes of the process and then assesses the process of change within each stage.

Chapter 2 sets the stage for the field studies. It provides a gist of the sui-generis GI protection regime in India, the opportunities for GI products and the governance challenges. The authors link GI protection in the agricultural, handicrafts and manufactured goods sectors with the sustainable development goals. The positive externality of preservation of cultural heritage, traditional arts and crafts is not just an externality but a strong rationale for GI protection in India. Cultural and traditional products can also be seen as a soft power resource. To this end, the government has taken a lead role on GIs. Encouraging identification and registration for GI products helps record their existence and can be seen as a defensive method of protection of traditional knowledge. The key governance challenges are definition of the geographical area for a product due to the migration of human labour, and the definition of the product specification due to the diversity of practices within the communities. Moreover, the authors highlight that the uniqueness of the physical conditions or natural factors of a geographical area is subject to change

² Marie Vivien, *The Protection of Geographical Indications in India: A New Perspective on the French and European Experience* (Sage Publications 2015); Marie Vivien and others, 'Are French Geographical Indications Losing Their Soul? Analysing Recent Developments in Governance of the Link to the Origin in France' (2017) 19 *World Development* 25.

³ Jeffrey Nielson and others, 'Geographical Indications and Value Capture in the Indonesia Coffee Sector' (2018) 59 *Journal of Rural Studies* 35.

due to environmental degradation and climate change. The authors cite examples of Kullu Shawl, Srikalahasti Kalamkari, Muga Silk and Bhavani Jamakkalam handicrafts that traditionally use plant-based dyes or other natural resources like water bodies. Sustainability of the environment is important for the sustainability of the product. In the authors' own words from Chapter 3, "the sustainable use of resources needs to be ensured in the long run, through appropriate governance mechanism, as the enthusiasm to meet a higher demand should not lead to depletion of resources". Even if such links with natural resources and traditional means of production are included in product specifications, artisans face competition from alternative ways of production, such as use of chemical dyes or machine-made fabrics. Consumers are unlikely to pay a premium price for the original product if they are not aware of its reputation, which further pushes the artisans to abandon traditional practices. Other challenges in this cycle are the broad definition of producers in India's GI law, the lack of an inspection body for checking compliance with the code of practices, and the lack of action against infringers.

Chapter 3 reports on the empirical findings through the aforementioned theory of change methodology. It identifies the inputs and outcomes, the process of change and the impact of the GI registration for all eight products- Thanjavur paintings and Swamimalai bronze icons (Tamil Nadu), Aranmula mirrors (Kerala), Kasuti embroidery and Mysore incense-sticks (Karnataka), Pochampalli Ikat textiles (Telangana), and Kondapalli toys and Machilipatnam kalamkari textile designs (Andhra Pradesh). The range of actors involved at the institutional establishment stage of these products is diverse: Producer associations (both exporters and artisans), universities, a trust enabled by a corporate social responsibility initiative of a private company and state development funds. The institutions that are involved in the registration phase may not have a role to play in the actual production process of the GI product. Moreover, creating a code of practices or setting up an inspection body is not a mandatory requirement for the GI application. Even when such a code, there are no standards, legal or otherwise, for what should be included in it, or whether the method of production is sustainable, or whether all kinds of producers are able to participate in the decision making. It can often be the case that the producers at the lowest level of the supply chain are unaware of the GI registration altogether and are unaffected by it. The research shows that even if sellers are able to attract a higher price, the profits do not automatically trickle down to the artisans and weavers who fall in the unorganised sector and are paid on a piece-rate basis. There is no discussion in the book about unionisation of producers, which is relevant while discussing labour working conditions but is not that obvious in literature on proprietors of intellectual property such as a GI. The image of an artisan standing next to their product in advertisements as the proud autonomous proprietor of the GI may well be misleading. As the authors reflect in following chapters, the GI authorities would not prefer to make the process difficult by having higher requirements for GI applications or check compliance for fear of creating a chilling effect on GI applications. The chapter further provides evidence on the familiar narrative of products facing threat from production process mechanisation, migration of human skill, and disenchantment of the young generation of artisans and weavers from the craft. The authors also provide fresh evidence that production processes for GI products can protect traditional knowledge and be innovative at the same time, and that mechanisation of the processes is not necessarily disruptive.

The authors dedicate Chapter 4 to the importance of collective organisation at all stages of the GI production process- GI registration, definition of the code of practices, marketing strategies, innovation in the GI process and taking action against infringers. Collective action is considered

critical to the business model and the law supports it by mandating that GI applications are filed by collective associations of producers rather than individuals or government bodies. The authors present evidence on the importance of collective action from India and abroad. Additionally the role of actors external to the GI, i.e. actors other than recognised producers and authorised users, is also discussed. Collaborations between the government and international organisations such as UNESCO and UNIDO and with private enterprises can help with skill development amongst younger generations and encouraging digital technologies for marketing the products. The research shows that the GI registry has also evolved mechanisms to promote collective action amongst GI producers and marketing and sales practices that boost consumer awareness, e.g. using the registered GI logo. In addition to the registered and national GI logos, the authors also reflect on the use of third party logos such as Fair Trade or Rainforest Alliance. While these involve considerable expense and require producers to monitor the quality, sourcing of raw materials, and conditions of workers in the supply chain, they can result in higher premiums as educated consumers nationally and internationally may be willing to pay a higher premium for such certifications.

In the concluding chapter the authors provide concrete policy suggestions for increasing the effectiveness of GI products as a tool for improving rural livelihoods. They suggest that in India, GI products need an intermediary marketing agency as the producer associations lack the resources to undertake marketing initiatives at a level that can actually impact the profit margin. Secondly, the authors recommend that all stakeholders participate in the making and implementation of the Code of Practices. Thirdly, they highlight the importance of the role of government as an enabler at every stage of the GI process. This is in addition to the governance role at the multiple levels—central, state, municipal and GI registry. The authors give examples of government schemes like ‘My Village My Pride’ which connected the scientists of the Indian Council of Agricultural Research with villages that could be adopted resulting in recommendations for upgrading agricultural practices. The authors suggest that similar initiatives can be created for GI products. Fourthly, the authors suggest use of corporate social responsibility funds (‘CSR’) for helping the community file GI applications, “to adopt a village and contribute to the promotion of the product”. However, this suggestion is tricky considering that companies do not prefer that the government regulation on how CSR funds will be used. Moreover, CSR engagements can be risky if companies expect economic returns from such a venture. Then again, the example the authors rely on, i.e. the LANCO Institute of General Humanitarian Trust that helped producers get registration for Kondapalli toys and thereafter promoted them during its social events, seems viable for the GI producers. The authors present several suggestions for policy makers that can help with marketing of the GI product internationally and allow more participation from producers in the GI process. Finally, the importance of the role of the consumer in the GI process cannot be overstated. An informed consumer that is conscious of the origins and production practices of the goods they buy and is willing to pay a premium for the reputation of the product is an important factor to close the chain.

The value of the book lies mainly in its empirical findings. By studying the input, output and impact of lesser known products the study provides concrete suggestions for producer associations, practitioners, policy makers and sellers. The book provides insights into the practical considerations and decision making for GI products in a developing country, which are also important for researchers and internal and external aid organisations. The study shows the importance of focussing not only on registering GIs by the bushel but also following up on the

collective action, compliance with code of practices and marketing strategies post-registration. Another relevant observation is that even though India chose a sui-generis method of GI protection, it can be seen that the trademark law aspects work alongside the sui-generis mechanism. These marks include the registered GI logo, the national GI logo and the certification marks that the GI producers may choose to apply for. The research highlights the relevance of trust in governance, both amongst stakeholder involved in the GI process and in government institutions. Last but not the least, the research shows that the rationale for protecting GIs in India is slightly different than the justification of GI law in currently available IP theory. In addition to GIs being considered a tool for development, in India they are a means to save traditional products and knowledge from oblivion.