

# Comparative Study on Geographical Indications and Trademarks: Safeguarding Intellectual Property in the International Market

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## ABSTRACT

This paper delves into the issue at hand: GI and trademarks, two very different yet complete forms of IP protection. While GIs emphasize a product's origin-linked quality and cultural significance, trademarks focus on unique brand identification. This paper traces the historical development of both protections, from their early roles in local crafts and their modern relevance in a globalized economy. Thus, this paper presents the intricacy of GI-related protection laws and regulations that deal with trademarks as well, which also includes international agreements such as TRIPS Agreement, Lisbon Agreement, and Madrid Protocol. A general case study along with a comparative analysis shows that although trademarks provide opportunities for businesses to create identities of market, GIs help increase consumer confidence in conventional goods. However, wherever similar trademarks confuse the customers and dilute the genuine values of GI products, then there will be conflicts. In an effort to mitigate these tensions, a number of alternative approaches are proposed in the said study, including technology-based verification platforms which will allow the customer to locate original products, as well as hybrid labelling systems combining GI authenticity with brand identification. The bottom line learned from this study is the demand for an IP system that is balanced and secure enough to protect regional identities together with innovative brands that can ensure sustained economic growth, while successfully providing consumers with authentic products of cultural significance in today's global market.

**Keywords:** Geographical Indication, Trademark, Comparison, Traditional Industries, International Agreements, Consumer perspective

## BACKGROUND

The background of this article investigates the evolution, usefulness, and prospects of geographical indications and trade marks in the field of intellectual property law.

In the past, foreign exchange and trademark registration were the first steps to develop the brand identity. Usually, craftsmen applied trademarks to their crafts while the locals became known for certain products, thus forming the basis of GIs. Subsequent recognition was given to GIs by the introduction of the AOC system in France, which started protecting agricultural goods' regions of production and established a quality link between the originating region and the product.

Presently, there is a growing integration of the world economy, GIs and trademarks are becoming more important. GIs restrict owners to the use of certain products to its region while trademarks give a company

the authority to stand out. International agreements as the TRIPS Agreement and the Madrid Protocol impose some order but, nevertheless, there are problems where GI veracity is important where brands are scattered on similar products. Due to increased interest of consumers in original products, the role of GIs in traditional industries increases on a daily basis.

Nevertheless, in most countries, the search for the ways to combine GIs and TMs is the only way out that will facilitate the achievement of cultural and economic objectives without creating any contradictions. Suggested ways of solving the problem include hybrid labelling techniques coupled with cyber technology that will improve security. With an increase in the consumption of authentic products that are associated with specific regions, the role of GIs and TMs will be very critical.

## LITERATURE REVIEW

The Melissa A. Loucks research paper, "Trademarks and Geographical Indications: Conflict or Coexistence?", outlines the interaction between GI and Trademark and even envisions a potential harmonic coexistence, but it draws attention to significant legal, economic, and cultural challenges. Although they have different purposes, trademarks and geographical indications are both ways to show provenance. Even though they serve different purposes, the interconnections between trademarks and GIs invite legal turbulence. The TRIPS Agreement, one of the major international treaties on intellectual property enforced by the World Trade Organization, strives to protect both kinds of intellectual properties. Nevertheless, the cohabitation of the two in TRIPS is difficult. A prominent example is the never-ending legal battle of the trademark "Budweiser".

### The key findings:

- The TRIPS Agreement allows for combination of these two instruments, marks and GIs, though not very well. TRIPS seem to provide a compromise position according to Loucks where GIs are promoted but not at the expense of established trademarks as it has been the case in the WTO while dealing with Budweiser trademark disputes.
- However, earthenware vessels and decoration patterns, as well as icons, expansions of cartoons, logos and other elements have GIs as their primary background. Regarding the IP value of some GIs, Loucks observes "Champagne, or Roquefort or Toscano olive oil commands high prices because of their attributes and heritage but the region itself". It is for that reason that the EU should and has been able to effectively lobby for the establishment of hard GI rights.

According to the TRIPS Agreement, Loucks' research has a legal dimension focusing on the relationship between GI and trademark disputes as well as the role of the WTO in the resolution of conflicts. On the other hand, her research concentrates on developed areas and traditional products, but does not provide a close analysis of GIs of non-traditional goods or the effect on lesser economies, which makes the findings not very useful in most regions of the world.

Loucks proposes the following possible ways out so that these two types of intellectual property rights could coexist:

- Loucks is of the opinion that the existing provisions of TRIPS should be modified in such a way as to ensure protection for lowering the probabilities of the ambiguities which have led to the protracted wars of litigation.
- Bringing the footprint of the GIs more global by expanding the protection across the EU-U.S. conflict and emerging economies could broaden the scope of the GIs.

- Pure GIs attached to regionalism might protect regionalism and regional values and at the same time generate economic benefits.

The second paper authored by Kavitha Christo Nelson in her article “Conflicts Between Trademarks and Geographical Indications” writes on the friction resulting from the overlapping zones between TMs and GIs Both are the kinds of intellectual property which allow marking the origin of certain goods, however while trademarks possess commercial character geographical indicators are assembled with regional characteristics.

### Key Findings

1. The author talks about several international treaties and agreements, such as the Paris Convention, TRIPS and Lisbon Agreement, which have set some standards of protection. However, the practice states otherwise; for example, EU adopts the sui generis approach towards GI, whereas the U.S. usually considers them as certification marks under the TM law rather than standalone marks of GIs.
2. Conflicts involving international trademarks or brands and the corresponding geographical areas come to the fore with loud cases such for instance Budvar and Budweiser and also the Scotch Whisky. These characteristics highlight the need for a well-defined set of laws to be in place together with efficient law coherence policy.
3. The legal systems in different countries litigate TM-GI disputes through different lenses. For example, the practice in the European Union places GIs first, while the United States assimilates GIs into the TM system as certification marks, thus creating inconsistencies in protection and enforcement.

The article has mainly a European and American perspective to GIs and TMs focusing on the international market, covering frameworks of the EU, US and developing countries such as Indonesia.

The article demonstrates that there is a gap in respect of a system for the registration of GIs, which would enhance cross-border effectiveness and security and Beneficial interdependence, especially between mature brands and GIs of high reputation. it would be possible for them to co-exist in the market without devaluing each other.

The article concludes that in spite of their contradictory nature, there is space for coexistence of trademarks and geographical indicators provided that a better frame of international rules is provided. Clear frameworks and coexistence provisions would enable the protection of brand and geography respectively and encourage competition whilst safeguarding cultural identity.

The Third paper, Quibbling Siblings: Conflicts between Trademarks and Geographical Indications is a paper written by Dev Gangjee who looks at the interaction of Trademarks and Geographical Indications in intellectual property and criminology. It focuses on the monopolistic rights that exist for TMs as well as GIs and addresses the disputes that come into being when entities who have similar geographical indications operate in one region.

- This paper sustains a concern regarding the existence of GIs around TMs, especially where both are granted exclusive rights over the use of similar or identical signs.
- Gangjee notes the following WTO doctrinal developments, including defensive descriptive use in trademark law, which should promote coexistence instead of place one type of right above the other.
- The author describes case studies concerning the Parma ham in the US and Canada and discusses the application of the first in time first in right principle. In both cases, it was allowed that conflicts be settled through coexistence

In this paper, the author considers the internal relations and conflicts between geographical indications and trademarks with the respect to the case law, the WTO adjudications, and the evolution of the region’s

exclusive rights doctrine. It is of special importance for the jurisdictions which have to deal with the coexistence of GIs and TMs because it provides the specifics of legal regimes regulating “place-bound” commodities. This paper refrains from attempting a historical or genetic analysis of GIs regimes, but rather concentrates on the contemporary legal disputes and their solutions. Also, the conclusions are applicable to the countries with developed GIs systems but cannot be applied to the countries which possess very little GIs regulations.

- According to the author, the following research can be related to the possibility of reconciling the GIs and TMs regulations on the international level for preventing the disputes and securing the fair practices of the trade.
- Further research can also seek to understand the consumer end and their view regarding the use of the confusingly similar trademarks and geographical indications in the market, regarding the brand’s country and whether the confusion is beneficial or not.
- Potentially, future research may consider geographical indications in their broader cultural and economic context outside IP law, linking it to rural and agricultural development, as well as the protection of the cultural heritage.

The fourth paper reviewed is titled -Marketing Flexibilities in Geographical Indications and Trademarks. The marketing flexibilities of Geographical Indications and trademarks in Kerala are examined in this study, with particular attention paid to the distinctions between GI and trademarks in the marketing context as well as the obstacles in the GI marketing system. To determine the true obstacles in the GI marketing system and the distinctions between GI and trademark, a semi-structured questionnaire survey was administered to GI product manufacturers and customers. The study looked at various Keralan case studies, such as those involving handicrafts, textiles, and agriculture. The results indicated that consumers were more interested in the location of origin and its specialties than they were in GI. Instead of employing value-added and unique marketing strategies, producers were choosing order sale marketing over marketing approaches.

Along with analysing the issues with the GI marketing system, the study gave a summary of the tactics that GI marketers ought to use. As the first paper to examine marketing hurdles in the GI system, it is thought to have a high degree of practical relevance. Geographical indicators are inextricably tied to their production locations and gain recognition over time. By reflecting the distinctive blend of regional natural resources, customs, expertise, and abilities, they create a particular connection between the product and local stakeholders. Geographical indications are protected as intellectual property, as defined and acknowledged by the World Trade Organization's Trade Related Aspects of Intellectual Property Rights agreement.

The goal of GI tags is to safeguard and differentiate marketing of collective rights while satisfying specific and profitable demands as consumers grow more concerned with certain characteristics of food and agricultural products. Nineteen products, including textiles, handicrafts, and agricultural products, have been certified as GI in Kerala. GI's primary goal is to market and safeguard territory-oriented goods. However, when it comes to marketing, GI marketing is far less effective than multinational GI products and brand names. Marketing middlemen, unorganized producers for marketing geographic assets, a lack of a mechanism for standardizing products, production that is routine rather than demand-driven, producers who are not particularly aware of value-added marketing, and consumers who are unaware of value-added marketing are some of the main issues with GI marketing.

The fifth and final paper reviewed is titled Geographical Indications and Trademarks -Synergies and Conflicts in The International Marketplace. The demand for successful product differentiation in the marketplace has increased due to the growing globalization of trade.

This paper examines the crucial role that Geographical Indications play in addition to conventional trademark protection in this regard. The main points of Flodgren's study and the other sources cited are summarized in this review. Background Information and Definition The introduction highlights how crucial it is to set things apart in a crowded market. Historically, trademarks have protected manufacturers against infringement and helped to distinguish products. However, the need for more effective types of protection arose as competition increased, which made it possible for GIs to arise. By emphasizing particular product origins and related attributes, these give customers confidence regarding the legitimacy of the product.

Law Enforcement and Consumer Conduct The book makes reference to the TRIPS Agreement, which helps companies ensure the uniqueness of their products by formalizing intellectual property protection on a global basis. Customers' trust in the products' provenance and quality is strengthened by this. In the context of agriculture and food goods, phrases such as "terroir" also indicate the connection between a product's qualities and its geographic origins. A customer preference for items with recognizable origins is another tendency that Flodgren observes, demonstrating the effectiveness of GIs in marketing and consumer choice. Geographic labelling can improve consumers' informed purchasing decisions by highlighting the value of origin-specific products, as demonstrated by the example of "Norsk torsk".

Partnerships and Disagreements The essay considers how GIs and trademarks are interwoven and acknowledges possible difficulties. Conflicts may arise from law protection overlaps, even while both defend producer interests and give consumers information. For example, producers may have difficulties if the same product attributes are claimed by both trademarks and GIs, which calls for a distinct separation of rights and protections.

## RESEARCH PROBLEM

The concern of how Geographical Indications and trademarks can live together while solving the issues brought about by the dual protection of origin and identity of products is on the increase. With GIs defending such regions and the target of logos being brands, coexistence has proven to be a contentious issue presenting in most international cases. The jurisdiction confusion, the inconsistency of the international legal frame and the difference in sensibilities of consumers turn out to worsen the situation. For this reason, this study seeks to assess whether GIs and trademarks can coexist in an amicably and non-exclusive way in the context of traditional industries, focusing on legal, consumer awareness and marketing aspects.

## RESEARCH OBJECTIVES

The goal of the current research is to study the specific functions and relationships of Geographical Indications and trademarks as elements of intellectual property law. It seeks to understand the historical progress of these protections together with trade expansion, the increase of cultural industry, and the differentiation of goods. It is also important to consider the current international legal instruments, like TRIPS Agreement and Madrid Protocol, to find the legal mechanisms available for the protection of GIs and trademarks and how these mechanisms conflict with one another.

The research also attempts to study the GIs and trademarks impact on the consumer behaviour, trust and

perception of consumers focusing on the traditional industries emphasizing on authenticity and region. The research focuses on how GIs and trademarks are to be integrated so as to reduce tensions and enhance protection such as the use of hybrid labelling systems, verification systems and could-be amended legal regimes. Through these objectives, this study aims to have an approach that is the middle ground whilst protecting culture, encouraging brand creativity and ensuring that the economy grows in a sustainable manner

## RESEARCH QUESTIONS

1. What constitute the international treaties and sovereign laws concerning the disputes of GIs and trademarks, and what mechanisms are in place that ensure peaceful co-existence of these models?
2. How does consumer perception and preference for legitimacy and geographic authenticity give them the proclivity to prefer GIs over trademarks in relation to traditional business models like textiles and handcrafts?
3. How do marketing and consumer information support the differentiation of the concepts of GI and mark, in what form should they change in order not to lead to false perception in the market?

## RESEARCH METHODOLOGY

The research employed is normative juridical research method, which seek to reconcile the conflicts and intersection between Geographical Indication and Trademarks. A normative juridical study is conducted through the examination of library, namely secondary data or legal researches within libraries. The research undertaken is primarily qualitative, focusing on the understanding of how both of these intellectual properties intersect and their implications. The study uses content analysis to evaluate legal texts and cases and thematic analysis to extract theme from literature review about GI and Trademark.

## RESEARCH METHODS

The research methods will comprise a literature review, which will include a review of academic papers, case studies and legal analysis concerning the comparative analysis of Geographical Indication and Trademark. This paper will also analyse specific circumstance related to the consumer's perspective with regard to GI and Trademark. Secondary data includes existing case laws, legal case reports, literature from journals, expert commentary on intersection and conflicts of GI and Trademark.

## SCOPE AND LIMITATION:

This paper analyses coexistence and conflict between GIs and trademarks in the framework of intellectual property, especially related to consumer perspective. It further delves into the differences in purpose behind the two phenomena: GIs focus on regional authenticity and heritage and trademarks focus on brand identity. Therefore, it tries to find legal, economic, and consumer perspectives relating to both. Some of the key areas of special attention are historical development, comparative legal frameworks, international treaties such as TRIPS, Lisbon Agreement, and Madrid Protocol, and case studies.

However, the study does not include all industries in which GIs overlap with trademarks. Although some more conventional sectors such as those in textiles or handicrafts are represented, others, especially in agricultural sectors, artisanal food sectors, or beverage sectors. Moreover, because it is based on secondary literature and case analyses already written, the study cannot reach a wider scope due to its lack of including primary data from surveys and interviews that may give a basis of understanding of the current

situation of public perceptions and operations.

Furthermore, the research includes the capacity of recently developed technologies but excludes an analysis of the same technologies into practical use and ultimate utility since it is based on a limited number of practical applications in real time. Above all this, the study provides a basic knowledge of the GI-trademark interface in the traditional sectors, offering insight and solutions applicable to similar sectors.

## CHAPTERS

### CHAPTER 1: A GENERAL OVERVIEW

Geographical Indication and Trademark are two unique Intellectual Property, but they are used for different purpose. However, GIs and Trademarks, though being self-ordinate in the legal sense serve different functions but interrelate in respect to protect the product identity, and enhancing consumer confidence as well. Geographical Indications express the connection between a product's quality, reputation, or distinctive qualities and its geographical source, which is often highly valued for agricultural, artisan, or traditional products originating from a particular region. Conversely, Trademarks are aimed at differentiating the trade mark of the person or company and assist the public to recognise and distinguish between the products or the services in the market.

The following comparison sufficiently illustrate the specific roles of GIs and Trademarks in the product and brand protection.

#### • Purpose and Definition

- Geographical Indication: GIs provide information to products that originated from a certain locality which has some distinct or professed characteristics of that locality. Such terms as “Champagne” for sparkling wine from the Champagne region,” Darjeeling” from India are some of the examples.
- Trade Mark: Trademark is a graphical symbol or a slogan or an emblem from a geographic location which marks and remains associated with a particular business.

#### • Legal Protection

- Geographical Indications: Mostly protect by sui generis (specially crafted legal protection schemes) The focus of the protection is not the authorized use of the GI but measures that bar the use of the GI by producers of products from outside the designated area.
- Trade Marks: Protect under both the national and international framework of laws protecting marks from unauthorized use or reproduction and thereby the rights emanating from the brand.

#### • Duration of Protection

- Geographical Indications: GIs are preserved for an indefinite time so long as the area and the product concerned still possess the required traits.
- Trademarks: Normally gives a limited period of protection (like 10 years), but such can be extended for as long as the fees are paid, and the trademark continues to be used.

#### • Geographical Scope

- Geographical Indications: As the name suggests, GIs are restricted to a specific geographical zone, due to its nature as an origin-marking product. Such GIs have global acknowledgement through international treaties such as the TRIPS Agreement, however, scope differs among countries.
- Trademarks: Although primary registration is obtained in a particular region, worldwide protection can be achieved through the Madrid Protocol and other treaties providing registration in several countries.

- **Economic and Cultural Implications**
  - Geographical Indications: Seeing that they are integrated in specific cultures and communities, GIs are expected to stimulate the local economic development and also protect indigenous knowledge and culture.
  - Trademarks: high to the business and its branding, trademarks enable the firms to build a competitive edge by ensuring that the customers identify and are loyal to their products.
- **Conflict Areas**
  - Geographical Indication: Disputes may occur when GI names become generic names in certain markets for example, “Feta” in the US to describe cheese even if it is not necessarily from Greece, or where they come against an already registered trademark
  - Trademarks: A GI can conflict with an earlier registered trademark if the former has geographical meaning or is associated with a specific region, such as the term "Burgundy for wine outside of France" which misleads the public.
- **Remedies Available Upon Infringement**
  - Geographical Infringement: Such legal measures, when they relate to GIs include injunctions, damages and in some cases criminal sanctions and particularly in those instances where the use of GI is misleading or false.
  - Trademarks: Trademark owners may sue for relief including monetary and other equitable remedies, such as injunctive relief and seizure or destruction of goods infringing upon the trademark.
  - This comparison highlights that Geographical Indication and Trademarks protect names and build consumer trust, but they have different goals and follow separate legal rules. GIs focus on ensuring products are genuine based on where they come from, while trademarks aim to make brands stand out in the market.

## CHAPTER 2- HISTORICAL PERSPECTIVES -STUDY BETWEEN GI AND TRADEMARKS

Based on such an analysis, the development of GIs and trademarks historically demonstrates the evolution of the intellectual property system. Development processes in these two forms of IP protection reflect broader shifts in commerce, trade, and cultural practices, and a look at such historical roots might explain modern-day significance.

### Early Beginnings: Origins of GIs and Trademarks

The notion of indicating origin of goods dates back to early ages, but was differently shaped in different parts of the globe. Trademarks trace their existence way back in early civilization, where artists would leave some sort of mark on their works to denote ownership or authorship. For example, ceramicists in ancient Egypt left marks on the pottery as an indication of who made the work. Similarly, medieval European guilds would stamp marks or seals on goods to denote the maker, often to ensure that the product met specified standards of quality. Trademarks in this emerging phase were for the most part local, representing the individual artisan or small enterprise. When trade started expanding with the Roman Empire, people began to want to validate their identity and secure their commodities against counterfeiting, so the need for a mark to identify an origin became increasingly important.

It clearly became obvious that only with the Industrial Revolution of the 18th and 19th centuries, though. It became necessary to identify brands that could be differentiated from one another in the various markets as mass production and international trade grew. Manufacturers needed a legal distinction for their marks to identify their products and guarantee quality, as more consumer choice was introduced along with new



manufacturing technologies. Britain's Trade Marks Registration Act of 1875 was the first modern trademark law to establish an official system to register trademarks. These were followed by similar laws in other countries, including the Lanham Act in the United States enacted in 1946, was a comprehensive body of law regarding trademark registration and protection.

In this case, GIs emerged from the ancient tradition of linking the quality of a product with its region of origin. Consumers knew for millennia that there were places that made better things, and this has often been passed down through generations. Perhaps most evocatively, however, the connection between quality and geographic origin is especially clear in agriculture, food, and wine, in all of which local environmental variables like soil, climate, and farming would ultimately have much to do with the final product. This concept was codified with the adoption of regional classifications for wine and agricultural products.

The oldest known example of an organized system to guarantee the origin of products is perhaps France's Appellation d'Origine Contrôlée established in 1935. The AOC system emanated as a tool to protect regions such as Bordeaux and Champagne from French wine country, to ensure that products from those regions conformed to certain quality standards. This system laid the basis for the modern understanding of GIs as protections for regional products reflecting local culture, traditions, and environmental conditions.

The idea of protection for regional products was soon spread from France to the other parts of Europe, but most importantly in countries such as Italy Spain and Portugal whose cheese, olive oil, and wines were always linked to a particular region. Protection of GIs was considered critical, not only in preserving regional identity and heritage but also to avoid misleading or deceiving consumers with counterfeit or imitation products. In the early ages, GIs were associated with particular local and were used to ensure that the name of products are associated with geographic region are protected.

Evolution and Standardization: The 20th Century

As the international economies connected through the 20th century, trademarks, as well as GIs, took on new meaning and began to be developed in a more international light. Trademarks would first find support with Paris Convention for the Protection of Industrial Property in 1883, which opened up new areas of international cooperation in matters of IP rights. This treaty provided a basis for international protection of trademarks and made it easier to place trademark registrations around the world. This was in the early 20th century when multinational corporations and global brands started setting up proprietary objects as well as global institutions like the World Intellectual Property Organization which would later come into existence to regulate international trademark law.

As international trade expanded in the mid-20th century and rights in intellectual property became more important, there was increasing recognition of a need to strengthen trademark protection around the world. The Madrid Agreement of 1891 and subsequent protocols helped to make international registration of trademarks easier to achieve for business enterprises that needed to protect their marks in other countries.

For GIs, international law expansion came more slowly. The TRIPS Agreement (1995), negotiated within the umbrella of the WTO, marked a significant landmark in the development of GIs. For the first time in the history of mankind, GIs were granted an area of intellectual property under international law and received a framework for their regulation in the context of world trade by means of the agreement. TRIPS spelled out the general principles under which GIs should be protected, yet it left it to each member country to determine how these provisions would be translated into domestic law. The fully developed systems of protection offered by the Lisbon Agreement 1958 and the European Union's Protected Designation of

Origin and Protected Geographical Indication systems, established in the 1990s, offer much broader protection for GIs across Europe and around the world.

Modern Developments: Global Brands and Regional Identity- The late 20th and early 21st centuries have seen the rise of global brands and consumer culture, resulting in increased recognition of the centrality of both trademarks and GIs in modern economies. The multinational companies realized the significance of preventing their intellectual property from all over the globe. Consumerism and sophisticated marketing techniques were rising in influence and made trademarks a crucial tool for differentiation in markets than ever before. Because of this, trademark law is always evolving, more so with the advent of digital and online commerce, which has put additional layers on how one can protect and enforce the brand.

The enormous global success of trademarks such as Coca-Cola, Apple, and Nike demonstrate the potency of trademarks as commercial products that can bridge distance. National and international trademark law would play the largest role in protecting such marks, hence enabling these companies to create their identities and, through them, consumer confidence and competitive advantage in international markets.

Whereas an increasing demand for authenticity and quality assurance called for more recognition of GIs as essential instruments for regional identity protection and development, the growth of eco-tourism, food movements, and the generally propagated localism and regionalism pushes have upgraded the role of GIs. Products like Champagne, Parmigiano Reggiano and Roquefort were not only to be signs of regional pride but also became symbols of economic development in the regions concerned. Regional products protection through GIs ensures that characteristics distinguishing such products, be it the soil or the climate, or other related traditional means of its preparation, are preserved for posterity.

Thus, the European Union has proved to be the champion in promoting GIs, giving them highly essential legal protection and focusing all attention on the extension of European GIs worldwide. GIs Regulation within the European Union thereby led to an inspiration for similar movements on a world scale, like India, China, and Latin America.

From this point, the historical development of GIs and trademarks portrays how, with passing time, societies sought ways to protect products, ideas, and cultural heritage. The histories of trademarks arose by the need of firms to distinguish their wares in a growing marketplace. These marks ultimately formed the basis of modern intellectual property law, which has protected brand identity and commercial reputation, better protected through globalization and digital trade.

GIs emerge from the requirement to protect specific characteristics of products associated with particular areas or regions. They are a means of protecting greater cultural and regional interests, hence their protection becomes vital for the preservation of identity and economic fitness of regions associated with such products.

Despite similar aims of consumer avoiding confusion and fair competition in trade, the two systems have their historic origin and function instilled in different forces of social, economic, and cultural contexts. With today's globalized economy both systems complement each other well to protect both individual entrepreneurial spirits and regional uniqueness.

### **CHAPTER 3: LEGAL FRAMEWORKS AND REGISTRATION PROCESS**

Geographical Indications and Trademarks are shielded through differing worldwide, local, and governmental allowable foundations internationally

1. Lisbon Agreement (1958) enacts a worldwide plan for GI guardianship. The Paris Convention (1883) supplies guardianship for GIs<sup>1</sup>. For Trademarks, the TRIPS Agreement delimits and outlines guardianship necessities<sup>2</sup>, while the Paris Convention demonstrates introduction for Trademark care. The Madrid Protocol (1989) speeds worldwide Trademark enrolment. Regionally, the European Union's Regulation 1151/2012 rule GI care, while Directive 2015/2436 matches Trademark regulation. In the United States, the Lanham Act protects two together GIs<sup>3</sup> and Trademarks.
2. Geographical Indications of Goods (Registration and Protection) Act, 1999, safeguards Indian GIs, while the Trade Marks Act, 1999, protects Trademarks. The TRIPS Agreement's key supplying for GIs involve Article 22, outlining protection necessities;
3. Article 23, providing supplementary care for wines and morale; and Article 24, specifying irregularities and restraints. The Madrid Protocol's key supplying for Trademarks involve Article 2, commanding worldwide enrolment;
4. Article 3, outlining belongings of worldwide enrolment; and Article 5, discussing unwillingness of care. The Lisbon Agreement delineates GIs in Article 2 and outlines guardianship necessities in Article 3
5. The Paris Convention protects GIs in Article 10 and Trademarks in Article 6. These permissible foundations supply a organization for looking after GIs and Trademarks everywhere, guaranteeing genuineness, kind, and services trust.

Effective care demands aid middle from two points governments, trades, and buyers. International arranging like the World Intellectual Property Organization play a important duty in advancing GI and Trademark protection Regional arrangements, to a degree the European Union Intellectual Property Office (EUIPO) and the African Regional Intellectual Property Organization (ARIPO), too enhance GI and Trademark guardianship. National societies commanding GIs and Trademarks contain India's Geographical Indications of Goods (Registration and Protection) Act, 1999, the US Lanham Act, and China's Geographical Indication Products Protection Law and Trademark Law.

International participation and competency construction pushes are essential for persuasive GI and Trademark guardianship. In current age, nations have created important stomps in restoring GI and Trademark care. For instance, India's Geographical Indications of Goods (Registration and Protection) Act, 1999, has shielded differing usual produce, while the US Lanham Act has defended emblematic brands. However, challenges wait, specifically in underdeveloped countries, place restricted money and foundations prevent persuasive GI and Trademark guardianship.

Addressing these challenges demands worldwide participation, competency construction actions, and persuasive application machines.

Effective prosecution devices, to a degree connected to the internet listening and satire processes, are important in fighting these dangers. Ultimately, GI and Trademark demands cooperative work from governments, trades, and buyers. By cooperation, we can guarantee the purity of protected property created by original thought, advance educational tradition, and safeguard services interests. The Madrid Protocol, settled in 1989, serves as a worldwide contract planned to simplify the enrolment of Trademarks and Geographical Indications across miscellaneous countries with its own government.

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<sup>1</sup> Article 10

<sup>2</sup> Article 15

<sup>3</sup> Section 43

This agreement streamlines and standardizes the worldwide enrolment process, permissive seekers to endure a sole request to the World Intellectual Property Organization for the enrolment of a Trademark or GI in diversified jurisdictions. This approach considerably reduces two together costs and complicatedness when distinguished to the usual form of grinding separate requests in each country. For Trademarks, the code supports benefits to a degree worldwide enrolment, a streamlined request process, cost funds, and concentrated administration. In the case of GIs, it offers worldwide care, revised safeguards against unapproved habit, and advances the importance of inception. The process under the Madrid Protocol requires enduring a worldwide use to WIPO, that is therefore trailed by worldwide enrolment, governmental test, and concluding enrolment in the picked nations. The benefits concerning this method involve a stylized request process, cost effectiveness, reinforced care, more extensive worldwide reach, and sleek administration.

Nevertheless, challenges grant permission stand on account of alternatives in communal ruling, vocabulary dissimilarities, and potential obstruction operations. To efficiently take advantage of the Madrid Protocol, best practices contain attending inclusive searches, guaranteeing exact translations, energetically listening and calling commission conduct, and claiming registrations through normal renewals. Case studies climax the contract's efficiency, to a degree the European Union's works in looking after inception, the enrolment of trademarks in the United States, and the enrolment of GIs in India.

The Madrid Protocol shows a important method for trades and protected property created by original thought holder directing for all-encompassing guardianship of their protected property created by original thought rights. By understanding allure visage, benefits, and restraints, things can capably guide along route, often over water the complicated world of worldwide Trademark and GI guardianship.

#### **CHAPTER 4: COMPARING GI AND TRADEMARKS IN TRADITIONAL INDUSTRIES- CONSUMER PERSPECTIVES**

India's traditional industries such as textiles and handicrafts are integral to its cultural heritage and economy, representing traditional handicrafts, local expressions and unique processes Increases the global demand for handicrafts and textiles industries and has given protection through intellectual property rights. GI and Trademark serves a different purpose: GIs protect products based on origin, quality and traditional methods, while trademarks establish brands and differentiate products between competitors. This comparison details the impact of GI trademarks on consumer behaviour in India, by comparing textile and handicraft industries. Case studies reveal how these protections affect consumer behaviour.

##### **Banaras Brocade & Saree<sup>4</sup>**

- GI Impact: Banaras brocade saris were granted GI to preserve Varanasi's unique and intricate designs and embroidery techniques. This certificate assures customers of its authenticity, stating that the product is manufactured using traditional methods in Varanasi.
- Trademark effect: Some brands use "Banarasi" in their trademarks despite it not originating from Varanasi, misleading consumers and undermining the perceived quality of genuine Banarasi sarees.
- Consumer perception: GI reinforces cultural pride and builds consumer confidence in the originality and quality of the products, while a trademark imitating a GI product reduces transparency, and may mislead consumers who are unaware of the importance of GI.

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<sup>4</sup> This GI safeguards traditional artisans from Duplication of their word

### **Pochampalli Ikat<sup>5</sup>**

- **GI Impact:** The Geographical Indication of Pochampally, telegana emphasizes the unique tie-dye weaving thereby helping consumers to identify the authentic Pochampally textiles. Shoppers associate the ikat marked with GI recognition with the traditional quality and cultural pride of the area.
- **Trademark Effect:** Non-Pochampalli firms often use the “Ikat” system under their trademarks, confusing consumers as to origin and quality.
- **Consumer perception:** Consumers who value cultural heritage prefer GI labelled products. These products are seen as better in craftsmanship and more authentic in culture than branded imitations.

### **Kullu Shawls<sup>6</sup>**

- **GI Effect:** The GI tag given to Kullu Shawls will act as the protector of distinct weaving traditions of Himachal Pradesh; this will therefore assure consumers for authenticity and the quality attached with Kullu.
- **Trademark Impact:** Since the "Kullu" trademarked on a machine-made shawl can be confused easily because they resemble the authentic GI-tagged but no regional standards are required.
- **Consumer Perspective:** GIs increase consumer loyalty as consumers feel that Kullu Shawls are cultural heritage and a synonym for quality. TMs of imitations, however may thus be of little value of the GI and offer machine-made alternatives that lead to consumers being misled.

### **Kanchipuram Silk Sarees<sup>7</sup>**

- **GI Impact:** A GI mark is given to the Kanchipuram sarees which are produced in Tamil Nadu. Sarees belonging to this category are surfaced with the utmost intricate weaving of silks and carry the GI stamp of authentication and the finest craftsmanship.
- **Trademark Impact:** The "Kanchipuram-inspired" sellers selling sarees basically water down the uniqueness of the GI-tagged sarees. And hence, consumers stand to be confused because they thought that they would have bought the real thing.
- **Consumer Perspective:** GI awareness created a demand for Kanchipuram sarees among its consumers who considered GI as a pointer of cultural value. Their choices are barged in by trademarked look-alikes that fall out of the GI.

### **Chanderi Fabric<sup>8</sup>**

- **GI Impact:** GI for the Chanderi fabric promotes authentic weavable traditional styles from Madhya Pradesh to the consumers. The GI signifies a quality product and appeals to buyers interested in truthful craftsmanship.
- **Trademark Impact:** The trademarked, machine-made fabrics with the same designs may confuse the buyers and dilute the perceived authenticity of the genuine Chanderi fabric.
- **Consumer Perspective:** The GI-tagged Chanderi fabric is considered a high-quality, time-tested product by consumers who would like such products more than similar imitations. GIs are a differentiator and thus make it easier for consumers to choose authentic products.

### **Mysore Silk<sup>9</sup>**

- **Impact of GI:** GI for Mysore Silk establishes the product with Karnataka's heritage, establishing quality

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<sup>5</sup> This GI Protects the weaving art and its craftsman

<sup>6</sup> GI protection for the handloom weaving and encourage regional craftsmanship

<sup>7</sup> GI registration to protect traditional heritage and authenticity

<sup>8</sup> Safeguards its traditional weavers and artisans

<sup>9</sup> GI registration to protect silk and traditional techniques

silk with traditional weaving. Consumers perceive this as a premium product due to its association with regional and cultural pride.

- **Trademark Effect:** Similar "Mysore Silk-like" trademarked products may sell inferior or traditional non-contrast product which loses out on GI quality and tradition.
- **Consumer Level:** A consumer buys GI-tagged Mysore Silk for its quality, craftsmanship and perceives it to be a different product from other trademarked variants. GIs increase the consumer's confidence with clear region authenticity.

#### **Aranmula Kannadi<sup>10</sup>**

- **GI Impact:** GI for Aranmula Kannadi, Kerala's traditional mirror craft, also authenticates its unique process of manufacture and cultural value. This has also helped in the protection of heritage and strengthened consumer belief in original Kannadi.
- **Trademark Impact:** As these designs have trademarks, their cultural value is degenerated and consumer deception arises as such replicas rarely carry the traditional craftsmanship that comes with GI-registered mirrors.
- **Consumer Perspective:** Consumers will want GI labelled Aranmula mirrors as something of cultural identity per se and as a distinguishing feature that differentiates them from trademark copies.

#### **Channapatna Toys<sup>11</sup>**

- **GI Influence:** A GI only on the wooden toy-making craft of Karnataka influences consumers to view Channapatna Toys as eco-friendly and safe goods, which has an authenticity quality.
- **Trademark Effect:** Imitative plastic toys later trademarked as Channapatna designs lead to consumer confusion since consumers buy imitative products.
- **Consumer Perspective:** GI-tagged Channapatna toys attract customers for their quality and cultural genuineness of the crafts, with sustainable craftsmanship taking priority among consumers who care for it.

#### **Consumer Perception of GI vs. TM**

- **Authenticity and Quality Assurance**

GIs create consumer trust by ascribing to the products a territorial identity, and an attribute of quality guarantee. Such a product is premium by virtue of the fact that it is associated with heritage, skilful artisanship, and sustainability. Where it is Banaras Brocades and Mysore Silk, GI becomes a seal of authenticity guaranteeing consumers that they are buying articles traditionally made in an accepted tradition.

Trademarks, which are normally helpful in preserving brand differences, sometimes lead to market confusion when used on products looking like the style of GI-protected items. For example, in Kullu Shawls and Chanderi Fabric, machine-made imitations carrying similar trademarks weaken the uniqueness of GI products, thus making it more likely that consumers inadvertently purchase poor-quality products under the misconception that they are going to be embracing authentic heritage products.

- **Cultural Value and Consumer Loyalty**

To many consumers, GIs evoke vivid cultural pride and heritage. Examples of such products that appeal to buyers keen on deep-rooted traditions with Indian tradition include Kanchipuram Sarees and Aranmula Kannadi. Consumers are more likely to remain loyal with GI brands compared to imitative trademarked

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<sup>10</sup> GI to protect handcrafted metal mirrors and traditional workers

<sup>11</sup> GI promotes and protects artisans and historical heritage

counterparts since they regard GI-labelled products as an articulation of regional culture. Customers' love of authenticity and regional craftsmanship, for example, is reflected in their commitment to GI-labelled Pochampally Ikat.

Though they lack a cultural connection to GIs, branded goods typically compete on brand repute. If trademarks try to mimic the unique personality that GIs naturally confer, this is likely to weaken consumer loyalty for the traditional items.

- **Dilution or Market Confusion**

Trademarks used on imitation products cause consumer confusion especially when those imitation products are very similar to GI-protected products. In the case of Mysore Silk, "Mysore Silk-like" products which are not made in the traditional manner, reduce the exclusivity of the actual GI product. Market dilution risks losing the value which GI-labelled products carry to consumers who may not see a clear distinction between authentic and imitation products.

- **The Consumer Awareness**

Raising consumer awareness of GI will enable the GI to become an assurance of quality and, consequently make it easier for consumers to spot GI-labelled products and be alert about such products. Campaigns creating consumer awareness of GIs have played the major role in deciding purchases. Once alert to the value of GI, consumers will opt for authenticity even if it comes in alternate labels along with trademarked ones.

GIs and trademarks are both significant in the protection of interests of producers and consumers. GIs assure quality, cultural heritage, and regional pride and help draw consumer loyalty and trust. Trademarks, though vital for brand identity, often tend to blur the lines of authenticity when used on products that do not meet the same standards as GI-protected items. The cases above prove that consumer awareness of GIs tends to expand with a greater interest in the authenticity of the product and the genuineness of cultural and geographic importance.

## CHAPTER 5: SOLUTIONS AND RECOMMENDATIONS

### 1. Evolving Legal Frameworks for Dynamic Markets

- Create adaptive regulation frameworks to review and update GI and trademark laws at regular intervals to reflect current trends in the behaviour of consumers, technology, and market needs. For instance, it will provide GIs for products falling outside the traditional pool of GI products, like digital or eco-friendly products, or adjust to newly emerging sectors with connections to the classical GI sectors.
- Preventive mechanisms such as pre-emptive policy analysis may be used before the conflicts begin to emerge, which may include mapping of conflicts and designing temporary protections or priority rights that prevent disputes from escalating.

### 2. Hybrid GI-Trademark Labels for Consumer Clarity

- A hybrid labelling system can be developed that would amalgamate GIs and trademarks features and capture products bearing regional characteristics sold under a distinctive brand. The hybrid would prove useful where the identity of the product significantly relies on both origin and trademarked brand name, so the consumer can understand both concepts.
- By enabling brands to carry an additional certification to authenticate the original identification along with the trademarked brand, regional certifications can be created which can support both GI and trademark rights. This would respect brand identification and help demonstrate the product's authenticity.

### 3. Consumer-Driven Verification Platforms

- Develop platforms to enable the consumer to check directly on the origin and authenticity of GI or trademarked products. These can be online or mobile applications, where the user scans a product code or QR code to receive a real-time report verifying the GI status, origin and legal protection accorded to the product.
- Provide avenues through which consumers may rate GI products on authenticity and quality by a crowdsourced rating system. This would maintain high standards within GI markets since consumers are empowered to rate the products according to their perceived authenticity and conformance to traditional methods.

### 4. Cooperative Networks for GI and Trademark Holders

- There must be a global networking for the GI producers and trademark owners to have common strategies in product differentiation, marketing initiatives, and shared legal resources. This can give each other mutual support by getting help for navigating legal systems and getting market insights as well.
- Establish regional consortia bringing together GI and trademark owners within specific industries, like textiles or foodstuffs. Such a model would also serve to provide a vehicle for stakeholders to collaborate on joint marketing efforts focusing on both regional identity and brand differentiation in an effort to establish equitable consumer understanding.

### 5. Combining Culture Promotion with Education

- In regions where traditional goods and crafts play a major role in the local economy, the courses on IP law, GIs, and trademarks should be taught as part of the secondary and higher education curriculum. This means that a new generation of more alert consumers and producers will be in a better position.
- Foster cultural tourism activities around GI products by getting the consumer closer to the territories, people, and production processes attached to those products. Such actions could be exciting tours or workshops and events that remind them of the significance of GIs and their intangible value in heritage while propelling the encounter of tourism and cultural action.

### 6. Shared Territory Licensing Agreements

- Where GIs and trademarks overlap for example, some wine or cheese with particular origin, which is traded in an international market--flexible licensing agreements should be able to spell out rights and restrictions granted to the GIs and trademark use in that territory. This enables both intellectual properties to coexist and never infringe on each other's rights.
- The use of restrictions must be geographically defined, meaning that trademarks and GIs cannot be promoted together. In international markets where protection of trademark is well identified, GI products can be sold with discernible labels that will eliminate conflict and give the product identity based on regional markets.

## CONCLUSION:

With the worldwide markets becoming highly interconnected, the changing intellectual property scenario has been pushing for the optimal balance of various rights, such as Geographical Indications and trademarks. GI values history, quality, and local authenticity of commodities. Trademarks are successful brands, which will encourage the loyalty of customers. Together, they play crucial roles in safeguarding traditional industries and commercial brands while, conversely, posing unique challenges when overlaps result in conflicts in legal rights and market perception. These require a cooperative approach.



GIs and trademarks will start to have less conflict and clarity as international legal frameworks help marry hybrid labelling systems with regional IP hubs. The further supports to related cultural tourism, the first-use registration protections, and ethical certification initiatives enhance even further the economy and culture values of GI products on a global level. These holistic approaches therefore show an opportunity for GIs and trademarks to work in tandem with each other in an IP system that can be in equilibrium. Such an approach would activate further economic development, respect the cultural heritage of nations, and allow customers to search for authentic and quality products within today's fast-changing marketplace by thus valuing tradition and innovation even more.

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