

# UK stance on agri GI items remains hurdle in FTA talks

India should negotiate to offer similar elevated GI protection to products: Experts

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The United Kingdom's demand of a higher level of protection for its geographical indication (GI) products from the agriculture sector under the proposed free trade agreement (FTA) with India remains an unresolved issue as the talks for the pact are on to iron out differences, an official said.

British GI (Geographical Indication) products include Scotch whisky, Stilton cheese and Cheddar cheese.

A GI is primarily an agricultural, natural or manufactured product (handicrafts and industrial goods) originating from a definite geographical territory. Typically, such a name conveys an assurance of quality and distinctiveness, which is essentially attributable to the place of its origin.

Once a product gets this tag, any person or company cannot sell a similar item under that name.

India normally provides general protection for violation of GI rules, but the UK is seeking a higher level of protection, the official, who did not wish to be named, said. "Negotiations are going on between the two countries. There are some issues pending in the intellectual property rights (IPRs) chapter," the official added. According to experts, the Trade-Related Aspects of Intellectual Property Rights (TRIPS) under the World Trade Organisation outlines an elevated level of protection for GIs.

This enhanced protection prohibits the use of a GI if the product does not

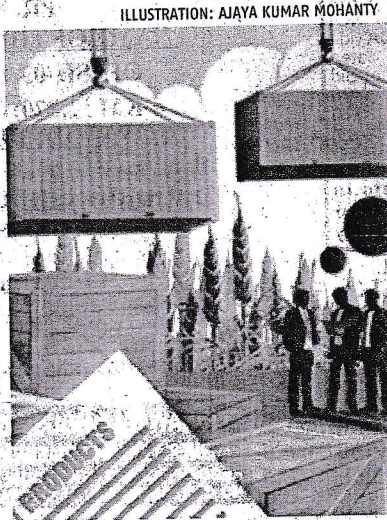


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## STICKING POINTS

- British GI (geographical indication) products include Scotch whisky, Stilton cheese and Cheddar cheese
- India normally provides general protection for violation of GI rules, but the UK is seeking a higher level of protection
- This enhanced protection prohibits the use of a GI if the product does not genuinely originate from the designated area, regardless of whether the public is misled or the true origin is specified
- India has been advocating for extended protection to other products beyond wines and spirits to prevent misuse of its labels like basmati rice by other countries

genuinely originate from the designated area, regardless of whether the public is misled or the true origin is specified. This ensures complete protection of a GI, safeguarding its reputation under all circumstances. It also prohibits the use of terms like 'kind', 'style', and 'type' for products that fall under this protection. Currently, this higher level of protection is exclusive to wines and spirits.

GI is an intellectual property right. On this subject, under a free trade agreement, normally two countries include rules prescribed in the TRIPS and do not go beyond that.

Nilanshu Shekhar, founding partner at law firm KAnalysis, said Indian legislation does not differentiate between wines and spirits, and other products in

terms of GI protection, and the decision to grant higher protection rests with the central government and varies based on international recognition.

India has been advocating for extended protection to other products beyond wines and spirits to prevent misuse of its labels like Basmati rice by other countries. "The UK's interest in securing higher-level GI protection for more products in the proposed FTA with India predominantly benefits its strong export segments of wines and spirits, dairy products etc. As FTAs are based on mutual benefits, India should negotiate firmly for the UK to offer similar elevated GI protection to Indian products to a higher range of Indian products too," Shekhar said.