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BOOK REVIEW: Travelogue Of a Treasure Trove in North-East India

Debasis Poddar¹

V. K. Ahuja et al, Handbook on the Geographical Indications (With Special Focus on North-East Region), DPIIT IPR Chair, National Law University and Judicial Academy, Assam, 2022 [pp. ix+329], Free Edition, ISBN 978-8195427604

“Success stories from the world of geographical indications demonstrate that geographical indications, if well managed, are intangible assets with interesting potential for product differentiation, the creation of added value, as well as spin-off effects in areas related to the primary product for which the geographical indication is known.”

- World Intellectual Property Organization (WIPO).²

After first quarter of the given century with the Geographical Indications of Goods (Registration and Protection) Act of 1999, with respective icons of their own, 460+ GI products tribute to the inventory of so-called ‘*Invaluable Treasures of Incredible India*’ till date.³ While its North-East Region (NER) has had umpteen inimitable treasures with specified spatial origin to their credit, only thirty-five with respective GI origins could be registered so far;⁴ something *de minimis* to

¹ Professor of Law, National Law University & Judicial Academy, Assam.

² WIPO- World Intellectual Property Organization (2021), *Geographical Indications: An Introduction*, Geneva: https://www.wipo.int/edocs/pubdocs/en/wipo_pub_952_2021.pdf

³ ‘Invaluable treasures of Incredible India’ celebrates India’s 460+ famed GI products: <https://www.gifairindia.in/home>

⁴ This book is intended to offer guidance about the procedures involved in seeking Intellectual Property Rights (IPR) protection in the form of Geographical Indication (GI) in India. The purpose of this handbook is to cater to the needs of people, especially of the North East Region (NER) who are interested to get GI tag for their products. The 35 products of NER which have been conferred the GI tag so far, fall within the category of handloom & handicrafts and agriculture. The booklet provides specimen examples of such GI tagged products of NER.

V. K. Ahuja et al (2022), *Handbook on the Geographical Indications (With Special Focus on North-East Region)*, National Law University and Judicial Academy, Assam: <https://nluassam.ac.in/docs/pub/gi.pdf>

potential productivity of this region. Here lies the genesis toward authorship of a Handbook on the GIs since the DPIIT IPR Chair in National Law University and Judicial Academy of Assam is meant to engage research and development in regional GI potential; besides other agenda mandated to the Chair. Thus, Ms. Sharmistha Baruah and Ms. Nuzhat Nasreen Islam- associated with the Chair- coauthored this Handbook to bring in contemporary '*local to global*' vision to fruition. The regional geographical indications of all authors, taken together, authorial team of this Handbook reflects a larger representation, somewhat in semblance with the buzzword "unity in diversity" to its credit; thereby transcends default threshold of local literature.

The Handbook comprises fifteen chapters; followed by 400+ endnotes with details of reference literature behind. The preliminary chapter presents several 'wh'-questions; thereby engages readership with basic inquiry vis-à-vis GI jurisprudence in a nutshell. *Why should GIs be protected? Who can protect GIs? How can GIs be protected?* etc., are few fundamental investigations among others and thereby addressed in lucid language intelligible to the laity. Consequently, commoners are encouraged to pick up knowhow vis-à-vis ease of doing GIs by themselves, e.g., statutory proceedings for registration and protection of GIs certified by means of provision for *bona fide* usage on one side and prevention of *mala fide* usage to gross detriment of GI regime on the other. Intent behind this Handbook lies in engagement of a policy advocacy to handhold relevant stakeholders; thereby engage skill development for popular GI practice by means of self-help method. Accordingly, with question-n-answer series on dos and don'ts after statutory provisions, this Handbook serves the purpose of IPR Chair toward spread of public awareness- and technical knowhow in particular- to defend all those in need of knowledge for survival. While private invention after contemporary technology is subject to protection by patent, public invention after classical technology is subject to protection by GI. Therefore, each deserves status of scientific invention by its own merit. Besides, traditional productivity available in public domain since time immemorial germinates from traditional knowledge and, therefore, constitutes the cultural heritage of humankind; with collective ownership of rural and/or tribal population with proof of engagement in maintenance of the product.

After the statutory classification of goods in 34 classes,⁵ this Handbook illustrates state-wise success stories of GI registrations in detail, followed by unsuccessful stories of GI applications in brief. While the former stories provide how to proceed for the GIs, the latter provide how not to proceed for GIs. Both complement and supplement other; thereby add value to public pedagogy toward ease of doing GIs by holders themselves. In a nutshell, GI public pedagogy is meant to encourage GI public advocacy by default.

After the series of investigations upon GI procedural nitty-gritty in minute details, series of eleven frequently-asked-questions (FAQ) attract academic attention; more so since the very first question repeats inquiry initiated by first chapter of this Handbook. A comparative study deserves appreciation of the reasoning behind revisit to the inquiry on ideation of same GI in the penultimate chapter. “*The answer is blowin’ in the wind*”. The former is an introduction to GI in brief and the latter is a conclusion to GI in detail.

Last yet not least, compared to the given potential of GI productivity, *de minimis* stories of success vis-à-vis registration of products in North-East Region raises concern; something apparent on the face of record from minute details placed by this Handbook.⁶⁻⁷

<i>State</i>	<i>GI registered (number)</i>	<i>GI registered (percentage)</i>
<i>Assam</i>	<i>10</i>	<i>28%</i>
<i>Manipur</i>	<i>07</i>	<i>20%</i>
<i>Mizoram</i>	<i>07</i>	<i>20%</i>
<i>Nagaland</i>	<i>04</i>	<i>11%</i>
<i>Arunachal Pradesh</i>	<i>02</i>	<i>06%</i>
<i>Meghalaya</i>	<i>02</i>	<i>06%</i>

5 *Vide* Fourth Schedule to the Geographical Indications (Registration and Protection) Rules of 2002.

6 Spatial count showing Geographical Indications in NER; as on January 2022. *Supra*, n. 3, p. 314.

7 Pie-Chart Indicating Allocation of Geographical Indications in the NE States in Terms of Percentage (as of January 2022). *Supra*, n. 3, p. 314.

Sikkim	02	06%
Tripura	01	03%

This Handbook ends with otherwise wise state-wise database stated above, followed by an innuendo of apparently unproblematic proposition in favour of the increase in GIs to the credit of North-East Region, thereby reconstruct the increase in GIs as a panacea; something unwise after the everyday lived experiences of stakeholders to the contrary:⁸

“Sualkuchi weavers have been the subject of many research papers and surveys by textile and design students. Apart from reports of the agitation against Banarasi imitations, however, there has not been much documentation that captures the voices of the weavers themselves. One hopes that both governments and non-profit organisations will work more in this direction, by putting their ear to the ground, and that in the coming years there will be multiple workers’ collectives who will be able to make themselves heard. If this old and valuable part of Assamese heritage is to be preserved, its creators and guardians – the weavers – will have to be given their due.”

While traditional weavers of ‘Muga Silk’, a GI-certified product in Sualkuchi, so-called ‘Manchester of Assam’, struggle for means of livelihood for generations, the given GI jurisprudence in India ought to suffer setback vis-à-vis legitimacy; if not legality in technical sense of the term. After everyday experiences, GIs remain certified for the sake of certification; with little dividend out of recognition. Thus, desideratum for the regime lies in getting GIs work toward public service. Both registration and protection- taken together- cement building blocks of the GI Act. Here lies the jurisprudence since GI registration is meant to protect GI productivity. None can afford to sustain itself on its own. Inclusion of chapters on protection, therefore, may help next edition of this Handbook handhold its stakeholders more.

8 Ankita Anand, *Tangled Threads: The Uncertain Future of Sualkuchi Silk Weaving*, THE WIRE, 04/JUN/2016: <https://thewire.in/uncategorised/tangled-threads-the-uncertain-future-of-sualkuchi-silk-weaving>

The flip sides of fragmented treatment apart, this Handbook ought to handhold the GI stakeholders, of North-East Region in particular, since GI registration itself is insignia of public awareness. In recent times, after publication of this Handbook, Arunachal Pradesh did six products GI certified to its credit while Assam did one.⁹ Little sporadic, though, increase in the GI count but indicates potential GI economy in North-East Region; followed by rise of a competitive free market in time ahead. The commercial potential of ‘Gamosa’ (a household goods in Assam) getting GI certified is pregnant with a far-reaching fortune for its economy in time ahead;¹⁰ something significant for readership to count provided that the protective regime stands extended to defend the GI certified in general to its post-registration period.



[By courtesy, Directorate of Handloom and Textiles, Government of Assam]¹¹

The handhold business of stakeholders apart, there lies a teleologic dialogic space for this Handbook to transcend the threshold of localization; thereby give its glimpse upon globalization. In the age of globalization, interhemispheric connectivity between the North-America, the West-Europe and the South-Asia, including North-East Region, is apparent in the given free-market economy. The GI jurisprudence in globalized India, therefore, is meant to indicate geographical

9 (The Geographical Indications) Sl. no. 509, 511, 512, 544, 545 and 546 credit to Arunachal Pradesh. Sl. no. 432 credits to Assam. Registration of the Geographical Indications, 16.02.2024:

https://ipindia.gov.in/writereaddata/Portal/Images/pdf/State_wise_Registered_Geographical_Indications.pdf

10 G.I. Authorised User Application No. – 30267 in respect of Gamosa of Assam Registered GI Application No. – 594, documented in the Intellectual Property India GI Journal No. 183, dated November 20, 2023, p. 1337: <https://search.ipindia.gov.in/IPOJournal/Journal/ViewJournal>

11 Gamosa of Assam, Directorate of Handloom and Textiles, Government of Assam: https://dht.assam.gov.in/sites/default/files/styles/76x84/public/swf_utility_folder/departments/dht_medhassu_in_oid_4/slider/slider%201_0.png?itok=PxVzrate

proximity between the local and the global. The GI jurisprudence is meant to deliver everyday expectations of the local population so far as possible. The far-reaching rationale behind the GI jurisprudence but transcends mundane material deliverables; thereby reach subtle spiritual deliverables; connectivity between the local and the global through dialogic space claims stake by its own merit:¹²

“GIs may be presented as great expressions of collective human tradition, history, culture and knowledge about natural resources from a certain locality. It certainly explains why GIs bring about a deep personal connection, but also provoke strong emotional reactions. When ultimately GIs become commodities, all gloves come off and everyone becomes very territorial despite a globalising world.”

In final count, however, this Handbook has had *sui genesis* role in legal literature. There is no obligation under the TRIPs of 1994 to protect geographical indications which are not protected in their country of origin.¹³ Here lies reasoning behind the registration of goods worthy enough to get GI certified to its credit. Since registration of GI in India is held worldwide as an official expression vis-à-vis protection of the goods in India, all member-states of the World Trade Organization are under the legal obligation to protect registered geographical indications since they are protected by their country of origin. Thus, GI registration constitutes a self-contained course in itself toward legal protection of the product; irrespective of other means and methods to protect the product otherwise. This book is meant to facilitate the regional commons understand and appreciate hidden potential of a treasure trove lying in the public domain by means of educative enterprise toward ‘learn-your-product’; something *sine qua non* to begin with and thereby protect and preserve the product otherwise eligible for the registration of GI in India as insignia of assertion and determination of local and indigenous communities across the country.

12 Anselm Kamperman Sanders, *Geographical Indications of Origin: When GIs Become Commodities, All Gloves Come Off*, International Review of Intellectual Property and Competition Law, Editorial, Vol. 46 (29 September 2015), pp. 758-759:

<https://link.springer.com/article/10.1007/s40319-015-0396-y>

13 Agreement on Trade-related Aspects of Intellectual Property Rights; Article 24.9:

https://www.wto.org/english/docs_e/legal_e/27-trips.pdf