
Concept of Collective Ownership under the Indian Geographical Indications Act

Dr. Sulok S K*¹

¹National Law School of India University (NLSIU, Bengaluru) – NLSIU, Bengaluru, India

Abstract

The recent Basmati Rice controversy has brought the subject matter of Geographical Indications to the limelight once again in India. It puts forth the pertinent question of; who are the real owners of GI and whether India has any legal clarity about the ownership notion. It has led to my research paper attempting to unearth the legal notion of collective ownership in GI and whether it is adequately conceptualised in the Indian scenario. The research has led to the understanding that the concept of collective ownership in GI in the Indian scenario is not adequately conceptualised. The history of the legal protection of GI traces back to the Pre-TRIPS period, wherein it was narrow in scope. In the Post-TRIPS scenario, the sui-generis legislation was adopted under the TRIPS mandate. There is a lack of legislative clarity on the concept, and the judicial contribution remains minimal. The case studies conducted reveal the lacunas when the concept is implemented on the ground, necessitating a proper legal articulation of collective ownership in the Indian scenario so that the real owners of GI are identified and protected.

Keywords: Geographical Indications, Geographical Indications Act, Collective Ownership, TRIPS Agreement.

*Speaker