

CULTURAL TREASURES AS ECONOMIC ASSETS: HARNESSING THE GLOBAL POTENTIAL OF ODISHA'S GEOGRAPHICAL INDICATIONS

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Abstract

Geographical Indications (GI) serve as a tool to protect and promote unique products associated with specific regions, and Odisha boasts a treasure trove of such products, including Odishara Rasagola, Sambalpuri Sarees, Kandhamala haldi and Pattachitra art. However, despite their intrinsic value and global appeal, these GIs have yet to realize their full commercial potential. This paper will delve into the different significant GIs in Odisha, shedding light on the intricate relationship between culturally rich heritage and commerce. It examines the challenges hindering the commercialization of these products, including issues related to quality control, marketing, and intellectual property rights. It highlights the need for proactive policy formulation and infrastructure development. To unlock the full potential of Odisha's GIs, the state should implement measures to ensure the sustainable production of these products, while maintaining their authenticity and quality. Additionally, Investing in skill development and creating marketing platforms can empower local communities and producers to effectively engage in national and international markets. A pivotal aspect discussed is the role of well-structured frameworks in driving the successful commercialization of GIs. Drawing insights from successful GI commercialization cases across diverse regions, the paper extracts transferable lessons to enrich Odisha's context. Notably, case studies of Koraput Coffee and Sambalpuri Sarees vividly illustrate how cohesive integration of cultural heritage and commercial viability can be achieved. Government initiatives, industry collaboration, and digital marketing strategies are spotlighted as influential factors in bolstering Odisha's GI promotion. The paper will shed light on

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emphasizing the need for concerted efforts by all stakeholders - from government bodies to local artisans and entrepreneurs - to harness the economic potential of Odisha's GIs. Unlocking the commercialization of these products not only promises economic growth but also preserves and celebrates the rich cultural heritage of the state on a global scale.

Keywords: *Geographical Indications, cultural heritage, commercialization, Odisha, organizational structure, commercialization, digital marketing, intellectual property, government initiatives, Koraput Coffee, Sambalpuri Saree*

Introduction

Geographical Indications (GIs) represent a distinctive category of intellectual property rights designed to acknowledge and safeguard products that originate from particular geographical areas. Such products are distinguished by their unique qualities, features, and reputations, intrinsically linked to the specific regions of their origin. The need to protect traditional knowledge has become increasingly urgent in recent times, primarily due to the commercialization of products in various industries. Indigenous peoples and local communities often possess valuable traditional knowledge that has been passed down through generations. Article 31 of the UN Declaration on the Rights of Indigenous Peoples highlights the crucial need to protect indigenous knowledge, cultural heritage, and traditional expressions. It acknowledges the entitlement of indigenous peoples to uphold, oversee, safeguard, and advance their cultural heritage and traditional knowledge, including various aspects like traditional medicines, oral traditions, and more.¹

In India, there is a unique system has been established to safeguard Geographical Indications (GIs), which involves the implementation of laws specifically designed for the protection of GIs. Notable among these regulations are ‘The Geographical Indications of Goods (Registration & Protection) Act, 1999 (GI Act)’ and the ‘Geographical Indications of Goods (Registration and Protection) Rules, 2002’ (GI Rules)’. These legal measures were put in place to ensure India's adherence to its commitments under the ‘Trade-Related Aspects of Intellectual Property Rights (TRIPS) agreement’.²

¹ Janani Sridharan, “GI Protection: The Need for Amelioration” 2 International Journal of Legal Science and Innovation 23 (2020).

² Ibid.

The "Make in India" initiative, launched to boost domestic manufacturing and economic growth, encompasses various objectives, one of which is the enhancement and protection of India's measures implemented to establish an intellectual property (IP) framework involving augmenting staffing levels in IP offices, introducing electronic filing capabilities, reducing fees significantly for Micro, Small, and Medium Enterprises, and conducting awareness programs. While "Make in India" places a strong emphasis on innovation, novel initiatives, and the development of robust infrastructure to strengthen intellectual property (IP) rights such as patents, designs, and trademarks. However, within the context of this comprehensive IP reform agenda, a relatively less-discussed but equally important intellectual property right is GIs.³ Even though there has been a gradual rise in the registration of GIs, the importance and extent of GIs within the framework of the "Make in India" program have largely remained overlooked. This oversight is especially significant because GIs possess unique attributes that make them an ideal fit for driving and realizing the program's objectives.

One compelling aspect to consider is that GI-branded goods can be entirely produced within India, without necessitating foreign direct investment (FDI). This inherent self-sufficiency aligns seamlessly with the core tenets of the "Make in India" campaign, which strives to bolster domestic production and reduce dependency on external investments.⁴ Furthermore, GIs hold the potential to stimulate socio-economic development within the regions they represent. By promoting the production and sale of GI-branded goods, local industries can flourish, generating employment opportunities and fostering economic growth. This ripple effect extends beyond the primary producers, as ancillary industries, such as tourism and lodging, often flourish in regions with recognized GIs. Visitors are drawn to these areas to experience the manufacturing process firsthand, thereby contributing to the socio-economic upliftment of the entire region. Thus, Products labelled with GIs become ambassadors of their place of origin, embodying the traditions and expertise of local communities.

Exploring Odisha's Geographic Indications (GIs)

Nestled in the eastern part of India, the state of Odisha is a repository of traditional knowledge, artistic prowess, and cultural treasures. Over the years, Odisha has been adorned with several Geographical Indication (GI) tags, each representing a unique facet of its rich heritage. These

³Latha R Nair, "Making India GI Brand Conscious", The Hindu, Mar. 17, 2016, available at: <https://www.thehindu.com/opinion/op-ed/comment-article-by-latha-r-nair-making-india-geographical-indications-gi-brand-conscious/article62112331.ece> (last visited on Nov. 18, 2023).

⁴ Ibid.

GIs serve as symbols of the state's distinct cultural legacy and the exceptional skills of its artisans.

Odisha, often celebrated as the "India's Best Kept Secret" is not only known for its pristine landscapes but also its vibrant traditions and artistic marvels. The recognition of its products through GI tags acknowledges the state's role in preserving and promoting indigenous knowledge and craftsmanship. From the intricate designs of Bomkai sarees and the vibrant hues of Ikat fabrics to the delightful flavours of Odisha Rasagulla, these GIs distinguish Odisha's contributions to the nation and the world.

The value of GIs extends far beyond their economic significance; they are also a testament to the social and cultural identity of the region. Odisha's GI products are the embodiment of its heritage, traditions, and skills passed down through generations. They represent a link between the past and the future, bridging the gap between artisans who have honed their crafts for centuries and a global audience eager to experience the richness of Odisha's culture.

One of the fundamental aspects of GI products in Odisha is their connection to the land and the communities that inhabit it. These products often serve as a source of livelihood for local artisans and small-scale producers. By preserving and protecting the unique qualities of GI-tagged products, Odisha ensures the economic sustainability of these communities, allowing them to thrive while maintaining their cultural traditions.

Obstacles and Constraints of Geographic Indication (GI) Tags: Factors Inhibiting its Growth and Revenue Potential

Geographical Indication (GI) tags have immense potential as a means to preserve cultural heritage, protect local products, and generate revenue for regions and communities. However, several challenges and limitations have hindered their growth and effectiveness as a revenue-generating tool:

❖ Lack of Awareness:

India possesses a rich tapestry of products that have the potential to qualify for Geographical Indication (GI) protection. However, the reality is that only a limited quantity of these products have been officially approved a GI status. The main issue lies in the lack of awareness about GIs among the rural producers who craft these goods.

This lack of awareness has led to a missed opportunity, particularly in the case of Chilika curd, a traditional dairy product originating from Odisha.⁵

It is made in a distinctive bamboo basket and uses milk from Chilika Buffaloes, a unique breed found only in the Chilika region of Odisha. The diet of these buffaloes, which includes seaweed from Chilika Lake, imparts a unique flavour to the milk and allows it to be stored without refrigeration for extended periods.⁶

Chilika curd's unique production process and exceptional shelf life make it a standout product. The milk and its derived products, like curd, have gained popularity in regional markets. Chilika curd has all the necessary attributes to merit GI protection, but it remains unregistered because the producers are not aware of the registration process. This knowledge gap has created inefficiencies within India's GI system. To ensure the success of GIs, producers must be educated about the protective measures available to them.

❖ **Problems associated with Foreign Registration:**

To secure protection for an Indian Geographical Indication (GI) in another country, a comprehensive legal process specific to that particular nation must be undertaken. Recognition under India's GI Act does not extend to providing worldwide protection for the GI. Consequently, it becomes imperative to thoroughly understand and comply with the technical and legal requirements of each country before seeking GI recognition abroad. While the use of GI tags by unauthorized users is technically illegal, effective prevention measures are lacking. In cases where a person from another country.

However, the challenges associated with safeguarding GIs in foreign countries do not conclude with successful local registration.⁷ Subsequent steps involve substantial expenditures, such as appointing monitoring agencies in each foreign jurisdiction to gather information and evidence regarding potential misappropriation. Additionally, substantial financial resources are required to navigate and engage in legal battles on foreign soil.⁸ Unfortunately, the TRIPS Agreement offers limited assistance in this

⁵ Dhiraj Kumar Nanda, S K Dash, et.al., "Indian Chilika Curd – a Potential Dairy Product for Geographical Indication Registration" 12 Indian Journal of Traditional Knowledge 707-713 (2013).

⁶ Ibid.

⁷ Gautami Govindrajana and Madhav Kapoor, "Why the Protection of Geographical Indications in India Needs an Overhaul" 8 NLIU Law Review 22-46 (2021).

⁸ Manisha Choudhari, "Geographical Indication Tags - are Gi Tags Helping India's Exports?", The Dollar Business, Apr. 01, 2016, available at: <https://www.thedollarbusiness.com/magazine/geographical-indication-tags---are-gi-tags-helping-india-s-exports-/45759> (last visited on Nov. 18, 2023).

regard, as it places the responsibility on member countries to establish the appropriate mechanisms for implementing its provisions within their respective legal frameworks.

❖ **Overreliance on documentary evidence for the registration process:**

The current legal framework heavily relies on documentary evidence for the issuance of Geographic Indications (GIs). The procedure for acquiring and officially recording a GI necessitates the submission of an extensive array of documentary substantiation.⁹ This emphasis on documentation is primarily intended to discourage frivolous applications and ensure the authenticity of claims. However, this stringent requirement poses challenges, particularly in cases where historical information is primarily transmitted orally from one generation to another.

In the case of the rasagulla, a popular sweet, the state of Odisha faced a significant challenge in substantiating its claim to the GI tag. The lack of proper documentation regarding the history and origin of the rasagulla had become a major hurdle.¹⁰ While there were indications that rasagullas were offered as prasad at the Jagannath Temple in Puri as a practice for centuries, the exact date of its inception remained undisclosed. This matter gained prominence when both Odisha and West Bengal began endeavours to secure the GI tag for the rasagulla was essentially a recognition of a product's geographical uniqueness, akin to a brand name. To support their claim, Odisha had to form committees and collect evidence and documents to establish the historical lineage of the rasagulla.¹¹

The overreliance on documentary proof for GI registration could indeed create practical obstacles, especially in regions where historical knowledge was traditionally passed down orally.

❖ **Absence of Benefits for Local Producers or Vendors:**

One of the primary objectives behind the creation of Geographical Indications (GIs) is to safeguard the interests of local vendors and producers. GIs were established with the intent of not only protecting these local stakeholders but also ensuring that they derive tangible benefits from the recognition. However, in practice, achieving this objective has proven to be a complex challenge. While GI rights have been granted, the expected

⁹ Manual of Geographical Indications Practice and Procedure (As Modified on July 26, 2011), s. 03.08.01

¹⁰ “Documented Evidence Key to Rasagolla GI Tag”, The Times of India, Sept. 22, 2015, available at: <https://timesofindia.indiatimes.com/city/bhubaneswar/documented-evidence-key-to-rasagolla-gi-tag/articleshow/49056349.cms> (last visited on Nov. 18, 2023).

¹¹ Ibid

advantages have not consistently reached the intended beneficiaries i.e., the local vendors.

Recently, the proposal to grant a GI tag to the renowned 'Kala Jeera Rice' from Koraput has faced resistance, with apprehensions raised about the potential exclusion of local farmers from benefiting from the GI tag. The application, submitted by the Jaivik Shree Farmers Producers Company (JSFPC) based in Koraput about a year ago, has encountered opposition, particularly from the M S Swaminathan Research Foundation (MSSRF) in Jeypore. The foundation has expressed concerns that granting exclusive rights to the applicant company for the cultivation and marketing of Kala Jeera rice could have adverse effects, it could create significant challenges for the impoverished tribal farmers in the district.¹²

Another challenge is the lack of organization and awareness among local producers. Many of them operate in relatively unstructured environments and may not possess the necessary knowledge or resources to fully leverage the benefits of GIs. This lack of awareness hampers their ability to participate effectively in the GI system.

❖ **Requirement for Post Registration Mechanism: Branding, Inspection and Promotion**

Despite the commendable efforts to encourage GI registration, the subsequent stages involving enforcement and promotion of these designated products have often been overlooked. This gap in addressing post-registration activities significantly compromises the intended protection for both producers and consumers, rendering the GI system less effective.

Further, one of the significant challenges associated with Geographical Indications (GIs) is the lack of awareness among consumers about how the GI tag is meant to convey information regarding the unique characteristics, quality, or reputation of the product it represents. Consequently, addressing this issue necessitates concerted efforts from both government and private sectors to promote awareness, enhance communication between producers and consumers, and bridge the gaps created by information asymmetry.

Leveraging a brand based on the Geographical Indication (GI) can be a strategic move for producers and exporters to tap into the full commercial potential of their products.

¹² Debabrata Mohanty, "Row Over GI Tag for Kala Jeera Rice in Odisha's Koraput District", Hindustan Times, Sept. 07, 2023, available at: <https://www.hindustantimes.com/cities/others/mssrf-objects-to-gi-tag-for-koraput-s-kala-jeera-rice-says-it-could-exclude-local-farmers-from-benefits-101694093723442.html> (last visited on Nov. 18, 2023).

Establishing a strong brand presence allows sellers to craft a distinct identity, providing valuable signals to customers regarding critical factors such as product attributes, origin, quality, applications, and more. Brands offer consumers a sense of quality assurance and the assurance of authenticity.¹³ They play a vital role in safeguarding against unfair competition from counterfeit or non-genuine products.

By delivering superior value and assurance, sellers who are associated with recognized GI brands often become preferred choices for buyers. This preference translates into increased sales and customer loyalty. In essence, developing a brand around the GI can serve as a powerful tool for producers and exporters to enhance market visibility, gain consumer trust, and achieve sustainable growth in a competitive marketplace.

Case Study -Brewing Success story of Koraput Coffee & its growth as a GI:

The Odisha government introduced coffee beans under the brand name 'Koraput coffee', an extraordinary coffee variety with a unique blend and exceptional taste, that found its roots in the tribal heartland of Odisha, India. This initiative was spearheaded by the Tribal Development Co-operative Corporation of Odisha Ltd under the umbrella of Adisha, their retail chain, back in September 2019. The establishment of this distinct brand became imperative due to the surging demand for Koraput's wild, all-natural coffee.¹⁴

In May 2017, there was a significant change in Koraput when the local administration created the Coffee Development Trust. They had a big vision of reviving the traditional coffee cultivation in the district and making it a central hub for coffee production. This was a major shift in the area's coffee industry, and it was made possible with the active involvement of the Tribal Development Corporation of Odisha, a government organization. The trust took careful steps to collect ripe red coffee cherries from the local farmers, process them meticulously to create a top-quality coffee powder, and then introduce this product to the market as "Koraput Coffee."

However, in recent years, Koraput's coffee has gained well-deserved recognition, captivating both domestic and international markets. The exceptional taste and quality of this coffee have garnered comparisons to the renowned coffee from Colombia and Brazil. Today, Koraput boasts over five thousand hectares of coffee plantation, with approximately two thousand tribal farmers tending to 2,072 hectares of coffee crops. This represents a significant leap from the

¹³ Dr. Ruppal W Sharma and Ms. Shraddha Kulhari, "Marketing of GI Products: Unlocking Their Commercial Potential" Centre for WTO Studies - IIFT 1 (2015).

¹⁴ *Team - Koraput Coffee Official Website*. Available at: <https://koraputcoffee.org/team/> (last visited on 19 September 2023).

scenario in the year 2011 when only a few tribals cultivated coffee on roughly four hectares of the district's land.¹⁵

This transformative coffee cultivation has had a significant impact on the tribal population residing in the Koraput district, which was once considered one of India's most economically underprivileged regions. While coffee had been sporadically grown by tribes in Koraput in the past, it was a relatively intermittent practice. Today, with the collaborative efforts of the Odisha government and the Coffee Board of India under the Ministry of Commerce and Industry, coffee cultivation has become a source of livelihood and prosperity for the tribal communities in Koraput. Organic Koraput coffee has emerged as a distinguished brand, primarily cultivated by tribal communities in the district.

Notably, coffee cultivation has expanded to cover over 2,000 hectares of land across eight blocks in the Koraput district. In the last crop season (2020-21), approximately 1,100 metric tonnes of coffee were produced. The indigenous population resides in several regions. The regions of Dasmantpur, Semiliguda, Lamtaput, Nandapur, Laxmipur, Koraput and other nearby regions are actively engaged in coffee cultivation.¹⁶

In backing these coffee farmers, the government provides essential support through programs like the Tribal Development Cooperative Corporation of Odisha Ltd (TDCCOL) and the Koraput Agro Products Producer Company Limited (KAPPCO), both functioning under the Odisha Rural Development and Marketing Society. As of June 2021, the State government has allocated forest land rights for 46,000 acres to thirty thousand families. Many of these families utilize the designated lands for coffee cultivation, adhering to the guidelines outlined in the Forest Rights Act (FRA). TDCCOL assumes a crucial role in acquiring coffee beans from tribal coffee growers in the district. During the 2020-21 season, a total of 28,790 kg of coffee beans were procured from 193 tribal farmers. Presently, TDCCOL actively promotes this brand, ensuring its availability in Adisha stores throughout Odisha and on e-commerce platforms such as Amazon and Adisha. in.¹⁷

Currently, the company has set up coffee kiosks, operating in Odisha, located in Bhubaneswar, Koraput, Puri, and Adisha. These kiosks serve as direct points of sale, similar to regular cafes,

¹⁵ “This is How Coffee Farming Transforming Lives of Koraput Tribals”, OrissaPOST, Sept. 19, 2021, available at: <https://www.orissapost.com/this-is-how-coffee-farming-transforming-lives-of-koraput-tribals/> (last visited on Nov. 18, 2023).

¹⁶ Ibid

¹⁷ “Coffee Plantation Transforming Lives of Tribals in Odisha’s Koraput District”, The Print, June 17, 2022, available at: <https://theprint.in/india/coffee-plantation-transforming-lives-of-tribals-in-odishas-koraput-district/1000073/> (last visited on Nov. 18, 2023).

where customers can enjoy freshly brewed coffee. Notably, Koraput Coffee also made its presence felt at the World of Coffee Expo in Dubai.¹⁸

"The company has achieved great success within a short period by focusing on ensuring sustainability in every aspect of its operations and supply chain. The entire coffee supply chain is built on sustainability and transparency, which has contributed to its ongoing success. The increased awareness among farmers has also strengthened their bargaining position.¹⁹ The company provides direct income support to tribal communities, and this process is entirely transparent.

Case Study-Weaving success from handlooms and handicrafts of Odisha by Sambalpuri Bastralaya and Boyanika

Odisha has firmly established itself as a prominent player in the Handloom, Textiles, and Handicrafts sector, serving as a vital source of livelihood for its rural population. The state proudly boasts a rich and ancient heritage of handicrafts and handlooms, making it a thriving hub for these industries within India.

Within Odisha's flourishing handloom industry, there are approximately 1.5 lakh weavers, with an impressive 78% of them being women. These skilled artisans predominantly focus on crafting a wide array of handloom products, including tie and dye, Sambalpuri, Bomkai, Khandua, and more.²⁰

Among the diverse range of handlooms and textiles originating from the state, the Sambalpuri saree shines as a true gem. The Sambalpuri Bandha Saree & Fabrics, originally conceived by Radhashyam Meher in 1926, initially found their roots within the Meher community of Bargarh district.²¹ Before the enactment of the Geographical Indications Act, this cherished craft remained closely associated with this specific community. However, with time, its influence expanded to encompass districts such as Sambalpur, Bargarh, Bolangir, Sonapur, and Boudh, where residents actively engaged in weaving and producing these geographically significant goods.

¹⁸ "World of Coffee Dubai 2023 Concludes with Great Success", Food Business Gulf & Middle East, Jan. 14, 2023, available at: <https://www.foodbusinessgulf.com/world-of-coffee-dubai-2023-concludes-with-great-success/> (last visited on Nov. 18, 2023).

¹⁹ Muskan Khandelwal, "Wake up and Smell the Koraput Coffee", Indian Masterminds, Feb. 25, 2023, available at: <https://indianmasterminds.com/features/change-makers/wake-up-and-smell-the-koraput-coffee/> (last visited on Nov. 18, 2023).

²⁰ Roy Sanjib "Jural analysis of GI in Odisha" Shodhganga P. 193 (2020) available at <http://hdl.handle.net/10603/284236> (last visited on September 17, 2023)

²¹ Roy Sanjib "Jural analysis of GI in Odisha" Shodhganga P. 199 (2020) available at <http://hdl.handle.net/10603/284236> (last visited on September 17, 2023)

The Sambalpuri saree earned its official registration under the Regulation of Geographical Indications in 2012, subsequently ascending to the status of the state's most renowned export product.

Within Odisha, two prominent cooperative entities, namely the Odisha State Handloom Weavers Cooperative Society, widely recognized as Boyanika, and Sambalpuri Bastralaya, have displayed outstanding performance in recent years.

Sambalpuri Bastralaya:

Established in 1954, the Sambalpuri Bastralaya Handloom Co-operative Society Ltd, located in Bargarh, has been operating as a handloom cooperative society. Over the years, it has evolved into a prominent apex body in Odisha under the Handlooms, Textiles & Handicrafts Department. This cooperative society stands out as one of the largest Primary Weaver's Co-operative Societies in the country, boasting a workforce of 5628 highly skilled weavers who operate 5365 looms spread across 40 production centres.²² Additionally, it collaborates with 90 associated Primary Handloom Societies within the state.

Sambalpuri Bastralaya reported a turnover of Rs 20 crore, further highlighting the increasing significance of Sambalpuri sarees, especially after they received official recognition under the Geographical Indications Act in 2012.²³ Currently, it has an annual turnover of Rs 71.24 crores.²⁴

Boyanika:

Boyanika, officially registered as the Odisha State Handloom Weavers Cooperative Society Ltd, received its legal recognition in 1956 under the Odisha Cooperative Societies Act of 1961.²⁵ The core mission of Boyanika revolves around extending marketing support and ensuring access to high-quality raw materials for the Primary Weavers Cooperative Societies across the state, with the ultimate aim of facilitating the production of exquisite handwoven fabrics.

²² Sambalpuri Bastralaya, India, available at: <https://www.sambalpuribastralaya.com/sambalpuri-bastralaya-present-status> (Visited on September 19, 2023).

²³ Roy Sanjib "Jural analysis of GI in Odisha" Shodhganga P. 199 (2020) available at <http://hdl.handle.net/10603/284236> (last visited on September 17, 2023)

²⁴ *Handloom, Textiles & Handicrafts Dept witnesses significant growth in last 2 decades: Odisha (2023) Odisha News, Odisha Breaking News, Odisha Latest News.* Available at: <https://ommcomnews.com/odisha-news/handloom-textiles-handicrafts-dept-witnesses-significant-growth-in-last-2-decades> (last visited on 19 September 2023).

²⁵ Boyanika Official, Boyanika at a glance; available at: http://3.108.46.119/boyanikaofficial/?page_id=14274 (Visited on September 19, 2023).

During its initial stages, Boyanika embarked on its journey with a modest turnover of Rs. 0.65 lakh in the fiscal year 1956-57, led by a dedicated team of only five staff members. Over the years, Boyanika has become a shining example in Odisha's cooperative sector. Its unique business model seamlessly combines commercial success with the upliftment of marginalized rural communities, particularly the landless weavers in the state.²⁶

Notably, in the fiscal year 2022-23, Boyanika achieved an impressive Sales Turnover of Rs. 162.00 Crore.²⁷ It aims to reach an even higher target of Rs. 200.00 Crore in the upcoming fiscal year 2023-24. Currently, Boyanika proudly maintains affiliations with 607 Primary Weavers Cooperative Societies spread across the state. Additionally, it has established a widespread network of 41 sales branches, including 37 within the state, one in Delhi, and three in Kolkata.²⁸ These branches play a pivotal role in marketing and promoting Odisha's exquisite handwoven textiles.

Recommendations:

➤ Use of Certification Trademark for protection of Geographical Indication products:

Darjeeling Tea being the first product to get a GI tag in India, did not stop there. In 1983, the Tea Board initiated proactive measures to establish a distinct "Darjeeling" logo. This logo, along with the term "Darjeeling," has been officially registered as a Certification Trademark under the provisions of the Trademarks Act, of 1999, which was previously known as the Trade and Merchandise Marks Act, of 1958.

On an international scale, this logo has obtained trademark registrations, collective mark registrations, or certification mark registrations in several countries, including Japan, Canada, Egypt, various European countries, the United States, the United Kingdom, and more. Moreover, it has been internationally registered under the Madrid System.²⁹ Furthermore, the term "Darjeeling" has received trademark registration in Russia. However, its registration is pending in other countries like Japan and Germany,

²⁶ Boyanika Official, Boyanika at a glance; available at: http://3.108.46.119/boyanikaofficial/?page_id=14274 (Visited on September 19, 2023).

²⁷ "Handloom, Textiles & Handicrafts Dept Witnesses Significant Growth in Last 2 Decades: Odisha", OMMCOM News, May 24, 2023, available at: <https://ommcomnews.com/odisha-news/handloom-textiles-handicrafts-dept-witnesses-significant-growth-in-last-2-decades> (last visited on Nov. 18, 2023).

²⁸ Boyanika Official, Boyanika at a glance; available at: http://3.108.46.119/boyanikaofficial/?page_id=14274 (Visited on September 19, 2023).

²⁹ S.C. Srivastava, "Protecting the Geographical Indication for Darjeeling Tea", World Trade Organization, available at: https://www.wto.org/english/res_e/booksp_e/casestudies_e/case16_e.htm (last visited on Nov. 18, 2023).

where it is being considered as a collective mark, among others. This mechanism enhances better protection and facilitates the commercial value of the GI product.

➤ **Use of proper Geographical Indication logo strengthens protection:**

Odisha Pattachitra and Kota Doria are exemplary examples of Geographical Indication (GI) protected products that have successfully established their unique logos. Other producers of GI goods should follow suit by developing distinctive logos for their products and seeking registration for these logos. These registered logos should be prominently displayed on the goods themselves.

This proactive step serves a dual purpose. Firstly, it facilitates easier differentiation of authentic GI products from counterfeit or spurious ones, thus safeguarding the reputation and quality associated with these products. Secondly, in an era where e-commerce plays a significant role in the business landscape, it becomes imperative for producers to make their authentic GI products available online. The success story of Chanderi Silks, which has effectively embraced e-commerce, demonstrates the potential benefits.

By expanding their presence in the online marketplace, producers can extend the reach of their GI products to a broader consumer base. This not only enhances accessibility but also contributes to the preservation and promotion of traditional craftsmanship and cultural heritage associated with these unique geographical products. In summary, the development of distinctive logos and the online availability of GI products are essential steps to ensure their continued success and recognition in the modern business landscape.

Another effective strategy that can be employed is leveraging the rich tapestry of stories, myths, and legends associated with a region to market GI products. There is an abundance of folklore and mythology that can be tapped into to enhance the marketing of these goods. Additionally, organizing promotional events can be a powerful tool to capture consumer interest and provide them with a firsthand look at the dedication and craftsmanship that goes into producing these unique products.

➤ **Promotional Activities:**

Promotion of GI products can be done by the Head of the State on foreign visits and ministers during Summits, festivals and other important occasions. Celebrity Endorsements through films or collaborations by brands as seen mostly on Instagram and lastly through exhibitions and trade fairs. An illustrative example of this approach is the Raghurajpur International Arts and Crafts Exchange in 2012. This event invited

artists from around the world to visit the small village that is the home of GI-protected Odisha Pattachitra paintings. Such events not only serve to boost earnings through tourism but also play a pivotal role in promoting GI products.³⁰ They provide a platform for artisans to showcase their skills, tell their stories, and connect with a global audience.

By intertwining the cultural and historical significance of these products with marketing efforts, producers can create a compelling narrative that resonates with consumers. This not only adds value to the GI products but also helps preserve and celebrate the cultural heritage embedded within them. In conclusion, leveraging local stories, organizing promotional events, and embracing tourism can be effective strategies to enhance the recognition and marketability of GI goods.

➤ **Involvement of Governmental or Quasi-Governmental Body:**

The need for encouragement within the supply chain of Geographical Indication (GI) products to induce stakeholders to reevaluate their existing commercial relationships and distribution channels is hardly unexpected. This process encompasses several crucial components, including the precise definition of the product, the establishment of common codes of practice, rigorous quality control and certification measures, the formulation of a governing framework, contractual agreements governing the transfer of intermediate goods within the supply chain, and strategies for both promotion and protection of the GI product. In addressing these multifaceted challenges, the intervention of governmental and quasi-governmental bodies emerges as a potentially fruitful avenue.

Drawing from the case study of Koraput Coffee, which experienced a significant transformation post-2017 with the establishment of the Coffee Board Trust, it becomes evident that such interventions can yield remarkable success. In this instance, governmental support played a pivotal role in empowering tribal communities to effectively promote their GI product. This collaborative effort not only improved economic prospects but also safeguarded the cultural heritage intertwined with the product. Consequently, it underscores the potential for government involvement to facilitate positive changes within the supply chains of GI products, thereby enhancing their recognition and preserving their authenticity.

³⁰ “Raghurajpur: The Heritage Crafts Village of Odisha”, Outlook Traveller, Sept. 23, 2023, available at: https://www.wto.org/english/res_e/booksp_e/casestudies_e/case16_e.htm (last visited on Nov. 18, 2023).

Quality stands as the paramount concept within the realm of Geographical Indications (GIs). Numerous studies have underscored the fact that consumers are willing to pay a premium price for a GI product primarily because of its superior quality. In essence, consumers expect to consistently receive the level of quality promised by a GI, which is the cornerstone of its success. To ensure this enduring quality, it becomes imperative to have a governing body that oversees the activities of various stakeholders in the supply chain, guaranteeing their adherence to the specifications necessary for upholding the uniform quality of the GI product.

➤ **Re-Organization at the Supply Chain:**

In pursuit of maintaining quality, GI proprietors can enlist the expertise of both internal and external experts. Through setting up of dedicated GI section in the online marketplace allowing only authorized users as sellers and establishment of GI stores at tourism hubs such as airports and railway stations. Further, promoting manufacturing units or cultivating areas where GIs originate as tourist destinations to provide first-hand experience would boost revenue and sales. Furthermore, the involvement of public inspection bodies can be invaluable in this regard. Consequently, to meet the stringent quality standards, parties applying for GI status are required to provide detailed information about the unique and distinguishing features of the GI product, the production processes involved, and the inherent quality characteristics linked to its geographical origin. These criteria necessitate a re-organization of the product's supply chain to ensure that quality is consistently upheld.

It's important to recognize that not all producers operate on an equal footing within this re-organized supply chain. Disparities in size and capacity among producers may result in a non-uniform distribution of benefits. While some may find this re-organization highly profitable, others may not experience the same level of benefit. Thus, the re-organization of the supply chain must be approached with a nuanced understanding of its potential impact on various stakeholders, recognizing that its outcomes may vary for different producers.

Conclusion

Geographical Indication has always been the most underrated Intellectual Property. The real potential of Geographic Indication as an effective legal protection mechanism which is financially rewarding as well is yet to be harnessed. The successful implementation of Geographic Indication (GI) tags in Odisha has demonstrated the immense potential of this

intellectual property tool in preserving and promoting the rich cultural and agricultural heritage of the region. As discussed above, the recognition of iconic products like Sambalpuri saree and Koraput coffee as GIs has not only added value to these commodities but has also boosted the local economy, generated employment, and raised awareness about the uniqueness of Odisha's offerings. However, there are still areas for improvement and expansion. To further harness the benefits of GIs in Odisha, there is a requirement for capacity building by investing in training and education programs for local producers and artisans to enhance their understanding of GIs, product quality, marketing strategies, and legal aspects. This will empower them to effectively utilize the GI tag. Encourage diversification of GI-tagged products and explore new markets beyond domestic borders. Exports can significantly increase revenue and global recognition. It is important that policies that protect the interests of GI producers, both in terms of legal protection and financial incentives be formulated for the financial growth and ensuring legal protection. Odisha's past success with Geographic Indication tags is a testament to the potential of this tool to drive economic growth, cultural preservation, and recognition. By addressing the challenges and implementing these recommendations, Odisha can continue to thrive as a leader in harnessing the power of GIs for sustainable development and heritage preservation.