

Designing Cultural Identities through Traditional Crafts: A Legal Analysis of the Efficacy of Geographic Indication Protection for Patola and Artisan Livelihood

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Abstract

Geographical Indication (GI) is a form of intellectual property that identifies products as originating from a specific geographical region, where a unique quality, reputation, or characteristic of the product is essentially attributable to that area. In India, GI tags are granted under the Geographical Indications of Goods (Registration and Protection) Act, 1999, which is aligned with the TRIPS Agreement to protect traditional products and prevent misuse of names associated with distinct regional crafts. This paper analyses the effectiveness of Geographical Indication (GI) protection, specifically the "Patan Patola" GI tag granted in 2013, as a legal mechanism for preserving traditional craft heritage and enhancing the socio-economic status of artisan communities in India. The research explores the legal framework and while the GI framework robustly secures the cultural identity and legal recognition of the craft, its efficacy in consistently improving artisan livelihoods is hindered by practical implementation gaps, specifically in enforcement, traceability, and resource allocation.

Keywords: Cultural identity, Traditional craft & heritage, Geographical Indication, Artisan livelihood, Patola, Intellectual Property Rights (IPR).

1. Introduction

A Geographical Indication (GI) means that a particular product comes from a specific country, region, or place and has special qualities, features, or a good reputation because of where it is made.

These special qualities can come from:

- Natural factors like the type of raw materials, soil, climate, temperature, or moisture of that place.
- Human factors like traditional methods of making the product, many skilled people working in the same craft, or quality standards followed in that area.

Because of these unique qualities, the product becomes strongly connected to its place. The place becomes so well-known for the product that when people hear the name of the place, they think of the product and when they hear the product's name, they think of the place. Researcher highlights that Patan Patola has established a strong legal identity through its Geographical Indication (GI) tag. This legal status protects the craft and ensures that only genuine products from Patan can be recognized as "Patan Patola." And has gained national and international fame due to its artistic excellence, cultural value, and legal protection. The specific focus will be the exquisite Patan Patola double ikat silk textile from Gujarat, India.

1.1 Objective of the Study:

The primary goal of this research is to evaluate the effectiveness of the Geographical Indication (GI) framework in preserving the cultural identity embedded in the Patola textile craft and ensuring the sustainable livelihood of its artisans. There some sub object following are:

To understand the concept of Geographical Indication context with Patan patola

To Analyse the Legal and Cultural Efficacy of GI Protection

To Evaluate Socio-Economic Impact and Livelihood Sustainability

To assess the effectiveness of the existing legal framework in addressing the challenges related to GI protection.

1.2 Methodology of the Study:

The present research paper is based on secondary data like reports, journals, books, internet, judgment etc.

1.3 Review of Literature:

Many authors, through extensive research, have explained the importance of geographical indications (GIs), their functions, benefits, and various other aspects at both the international and domestic levels. Among the many studies on GIs, the following research papers by different researchers provide the background and scope for the present research.

Swapnil Choudhary (2024) entitled research paper on “Analysis of Geographical Indications and Its Infringement and Remedies with Case Studies, analyses Geographical Indications (GIs), their infringement, and associated remedies. The document focuses on the legal framework for GIs in India, referencing the Geographical Indications of Goods (Registration and Protection) Act of 1999 and its implementation, which was influenced by the WTO TRIPS agreement. It meticulously defines GIs as intellectual property rights protecting products based on their geographical origin, and outlines the processes for registration and application in India. Furthermore, the analysis details what constitutes infringement of a registered GI, including acts of unfair competition and misleading the public about origin, and reviews both civil and criminal remedies available to right-holders. The article concludes with several case studies such as Darjeeling Tea, Rasagola, and Kolhapuri Chappals to illustrate the complexities and challenges in protecting these geographically tied products.

In this research paper on the International Property Right Index, Dr. Sudhir and Aryan Mathew (2009) observed that although the TRIPS Agreement provides a special (*sui generis*) system for protecting geographical indications (GIs), there is still no uniformity in GI laws across countries. Even though TRIPS sets minimum standards and gives a common definition of GIs, countries follow different legal approaches.

Similarly, Kasturi (2009) , in her study titled “Socio-Economic Implications of Protection of GI in India,” agreed that the *sui generis* system is one of the main reasons for these differences among countries. She also noted that while the TRIPS Agreement was an important step forward in strengthening GI protection by setting minimum standards, its system of protection is still based on an arbitrary classification of goods.

This view is further supported by Nair (2004) in her study “Geographical Indication – A Quest for Identity.” Her research shows that there is no common or universal interpretation of GI laws among WTO member countries.

Nair (2007) ’s research paper entitled “Exploring the Relationship between Geographical Indications and Traditional Knowledge” observes that the existing legal framework governing geographical indications (GIs) is inadequate, resulting in the failure of GI-related economic benefits to reach genuine producers. She emphasizes that effective protection of GIs at both domestic and international levels has the potential to significantly enhance the socio-economic conditions of the communities involved.

1.4 Research Problem:

The present review of literature on geographical indications mainly focuses on legal frameworks and registration mechanisms, with limited attention to their practical implementation. Although GIs are recognized as tools for socio-economic development, the benefits often do not reach genuine producers due to weak enforcement and structural challenges. There is a clear gap in research addressing ground-level difficulties faced by producers and consumers. This study aims to bridge that gap by examining implementation challenges and suggesting people-centric reforms for effective GI protection.

2. History of Patan Patola:

Patan Patola is an ancient double-ikat silk textile from Patan, Gujarat, known for its extraordinary precision and intricate patterns. Its roots trace back to India's ancient Ikat tradition, where threads were resist-dyed before they were woven. Historical accounts suggest that the Salvi community, originally from Maharashtra and Karnataka, were skilled silk weavers who practiced advanced ikat techniques long before settling in Gujarat.

Around the 11th–12th century, during the reign of Solanki king Kumarpal, the Salvi weavers were invited to Patan. The king admired the luxury fabric and wanted it produced locally for royal ceremonies, religious offerings, and diplomatic gifts. This marked the beginning of the Patan Patola tradition, and Patan soon became a major center for double-ikat weaving.

Between the 12th and 17th centuries, Patola reached its golden age. It became a symbol of prestige, worn by kings, aristocrats, and wealthy merchants. Through Gujarat's trade ports, Patola was exported to Indonesia, Thailand, and Arab regions. In Bali, it was revered as sacred cloth with protective powers.

The craft declined in the 18th–19th centuries due to the fall of royal patronage and competition from machine-made textiles. Only a few Salvi families continued the tradition.

In the 20th century, renewed scholarly interest, government support, and artisan efforts revived Patan Patola. It received the GI tag in the 21st century, safeguarding its authenticity.

2.1 Patola: Cultural Identity, Traditional Craft and Heritage Significance:

Patan Patola from Gujarat's Patan is acclaimed as one of India's most sophisticated and esteemed handwoven textiles. Its significance extends beyond material value, embodying deep connections to cultural identity, traditional craftsmanship, and historical heritage.

2.1.1 Cultural Identity

Patan Patola holds a central place in the cultural identity of Gujarat. Woven traditionally by the Salvi community, these sarees are associated with purity, prosperity, and high social status. They are worn during important ceremonies, weddings, and religious occasions, symbolizing cultural continuity and community pride. The motifs—such as parrots, elephants, dancing figures, and geometric patterns—carry meanings rooted in local beliefs and aesthetics, reinforcing shared cultural narratives.

2.1.2 Traditional Craft

The hallmark of Patan Patola is its double ikat technique, one of the most intricate dyeing and weaving processes in the world. Both warp and weft threads are resist-

dyed before weaving, requiring exceptional precision so that designs align perfectly. This technique demands months of labour-intensive preparation, fine mathematical skills, and intergenerational craftsmanship. Its technical complexity positions Patan Patola as an exemplar of India's artisanal excellence.

2.1.3 Heritage Significance

The origins of Patan Patola trace back to at least the 11th century during the Solanki era, when the craft enjoyed royal patronage. Over centuries, it evolved into a cultural emblem of Gujarat's textile heritage. Despite industrialization, the tradition survives through dedicated artisan families who preserve ancient methods. Patan Patola is widely recognized as an intangible cultural heritage that encapsulates historical continuity, artistic mastery, and regional identity.

2.1.4 Artisan Livelihood

For the limited number of artisan families who continue this craft, Patola weaving remains a vital source of economic livelihood. Each saree can take months to a year to complete, resulting in high market value and sustained demand for skilled craftsmanship. The craft supports not only weavers but also dyers, loom makers, and local supply chains. However, artisans face challenges such as high production costs, slow output, competition from cheaper replicas, and declining interest among younger generations. The Geographical Indications tag, increased awareness, and heritage tourism initiatives have helped improve economic stability by creating better market access and recognition for authentic weavers.

2.2 Patan Patola and Geographical Indication (GI)

Geographical Indication (GI) is a one type of intellectual property that identifies products as coming from a specific region. This unique quality, reputation or characteristic of the product is closely connected to that area. In India, Geographical Indication tags are given under the Geographical Indications of Goods (Registration and Protection) Act, 1999. This law is aligned with the TRIPS Agreement, which helps protect traditional products and stop people from misusing names that are linked to particular crafts. The Patan Double Ikat Patola received its Geographical Indication (GI) tag (Application No. 232) on September 9, 2013, under the name Patan Patola granted to the Patan Double Ikat Patola Weavers Association, Patan, Gujarat. This GI certification confirms that only authentic Patan Patola textiles produced in the Patan region following traditional double ikat techniques and craftsmanship can be marketed under the Patan Patola name. Patan Patola received its Geographical Indication (GI) tag in 2013, officially recognizing the craft as exclusive to the Patan region. The GI status protects the name "Patan Patola" from misuse and imitation, ensuring that only textiles produced in Patan using authentic double-ikat techniques can be legally marketed under this name. This protection strengthens the craft's identity, enhances its market reputation, and helps preserve traditional knowledge by preventing dilution of its authenticity.

2.3 Legal Framework for Geographical Indications

Geographical Indications (GIs) are protected by laws in India and around the world.

2.3.1 In India:

GIs are protected by a law called the Geographical Indications of Goods (Registration and Protection) Act, 1999. This law explains how GIs can be

registered and how producers' rights are protected. GI registration in India is managed by the Controller General of Patents, Designs, and Trade Marks.

2.3.2 Internationally:

The WTO's TRIPS Agreement (Trade-Related Aspects of Intellectual Property Rights) sets global rules for protecting GIs. It requires all member countries to prevent the misuse of geographical names and create systems to protect GIs.

2.3.3 Other global systems:

Agreements like the Lisbon Agreement and the European Union's GI system also protect GIs across countries. These help countries recognize each other's GIs and make the rules more consistent.

2.3.4 Who can apply for Registration under the Geographical Indications of Goods (Registration and Protection) Act, 1999

A geographical indication can be registered for various reasons by: -

- any associate of persons;
- producers; or
- any organization or authority established by or under any law representing the interest of the producers of the concerned goods.

2.3.5 To Whom Apply and where to file application?

The application has to be submitted to the Registrar of Geographical Indications, who is the Controller-General of Patents, Designs, and Trademarks, as stated in Section 3(1) of the Trademarks Act, 1999. The Registrar will be supported by as many officers as the central government considers necessary. A modern patent office and India's first Geographical Indication (GI) registry have been set up in Chennai. This registry is fully functional and is designed to meet the standards and requirements mentioned in the Act.

Every application must be submitted to the Geographical Indications Registry office that has jurisdiction over the area, region, or locality in India to which the geographical indication applies.

2.3.6 What is infringement:

Using a registered geographical indication (GI) without permission is called infringement. This happens when someone uses a GI in a way that wrongly suggests the product comes from a place it is not actually from, causing the public to be misled.

According to Section 22, GI infringement occurs when a person:

1. Uses the GI on goods and falsely suggests they come from a place they do not, misleading the public.
2. Uses the GI in a way that amounts to unfair competition.
3. Uses another GI on goods to falsely make people believe the product comes from the area linked to the registered GI.

2.3.7 Remedies for GI Infringement (Section 67)

The legal remedies available to protect a Geographical Indication can be broadly divided into two types:

1. Civil remedies
 2. Criminal remedies
- Civil remedies

Owners of a registered GI can take legal action for infringement or passing off against anyone misusing it. Such cases can be filed in a court that has the same authority as a district court. The main civil remedies available for GI infringement include the following.

A. Injunction

An injunction is a court order that stops the infringer from continuing the wrongful act. It can be temporary or permanent. The court can also issue an ex parte injunction (without hearing the defendant first) to:

1. Allow inspection of documents or evidence,
2. Preserve the infringing products or proof,
3. Stop the defendant from selling or hiding assets that may affect the plaintiff's right to compensation.

Injunctions are effective because they immediately prevent further harm.

B. Damages / Penalty

The court may order the infringer to pay damages or give up any profits made from the infringement. This helps discourage future violations. However, the court may excuse damages if the infringer proves that:

- They did not know the GI was registered, and
- They stopped using it as soon as they found out.

Example: In the case *Scotch Whisky Association v. Golden Bottling Ltd.*, the court held that selling whisky as "Red Scot" infringed the GI "Scotch Whisky."

C. Delivery-up of the infringing labels and indications

The court can order the infringer to hand over all products, labels, or packaging that misuse the GI so they can be destroyed or removed. This depends on the court's decision based on the situation.

Criminal Remedies

Criminal actions are usually more powerful and faster than civil actions. Even if a civil case on the same issue is already going on, it doesn't stop the criminal case from continuing. Since criminal cases can damage a person's reputation and social standing, the accused might prefer to settle the case outside court to avoid shame. Chapter VIII of the Act explains the crimes and punishments related to this.

The Act provides punishment for breaking rules related to geographical indications (GIs). These punishable actions include:

- a. Faking or wrongly using a geographical indication on products.
- b. Selling products with a false geographical indication on them.
- c. Lying or pretending that a geographical indication is officially registered when it is not.

d. Incorrectly claiming that a place of business is connected to the official GI registry when it isn't.

e. Making false entries or changing information in the official GI register.

2.3.8 Punishments:

The punishment for the aforementioned violations ranges from six months to three years in imprisonment and a fine of at least Rs. 50,000, which can extend to Rs. 2 lakhs. However, for appropriate and specific causes stated in writing, the court may impose a lesser punishment. The Act also enhanced penalties for second or subsequent convictions. In such cases, the term of imprisonment shall not be less than one year, but may be extended to three years, and the fine shall not be less than one lakh rupees, but may be extended to two lakh rupees. The courts have the authority to award a reduced punishment after citing appropriate and specific grounds in the judgment.

2.4 Rights and Protection Under Geographical Indications

When a product is registered as a Geographical Indications, the producers from that region receive the exclusive right to apply the GI label. The exclusive right gives them the following benefits:

2.4.1 Exclusive Use

Only producers from the registered region who meet the approved quality standards can use the GI label. This prevents others from outside the area or those not using traditional methods from misusing the name.

2.4.2 Legal Protection Against Misuse

GI holders have the right to take legal action against anyone who uses the GI name or symbol without authorization, helping stop counterfeits and protect consumers from fake products.

2.4.3 Collective Marketing

GIs encourage producers from the same region to work together to market their products. This teamwork helps build a strong brand and clearly connects the product with the place it comes from.

2.4.4 Quality Assurance

Registering a GI means the product has met set quality standards. This helps keep its reputation strong and ensures it matches what customers expect.

2.4.5 Economic Benefits

GI registration generally means higher market prices and improved commercial prospects for producers. The product's unique reputation can ensure it stands out in both national and international markets.

3. Judicial developments on GI law in India:

3.1 Tea Board, India v. ITC Limited

Fact of the case:

Darjeeling tea was the first product to receive a Geographical Indication (GI) tag in India in 2004. The Tea Board of India (plaintiff), as the registered proprietor of the GI "Darjeeling" for tea, sued ITC Ltd (defendant) alleging that ITC's use of the mark

“Darjeeling Lounge” for its hotel lounge services amounted to infringement of the GI, unfair competition, and passing off. The suit was contested and eventually heard by the Calcutta High Court.

Legal Issue:

Whether the use of the word “Darjeeling” for hotel and lounge services amounted to infringement of a registered Geographical Indication or certification trademark, and whether such use constituted passing off under Indian law.

Judgment:

The Calcutta High Court dismissed the suit and held that protection under the Geographical Indications of Goods Act, 1999 is limited only to goods and does not apply to services. Since ITC used the word “Darjeeling” for a hotel lounge and not for selling tea as a product, it did not infringe the Darjeeling GI registered for tea. The Court also found that there was no likelihood of confusion or passing off, as the Tea Board and ITC were using in completely different fields.

Significance:

This judgment clearly clarified the scope of Geographical Indication protection in India by holding that GI rights under the Geographical Indications of Goods Act, 1999 are strictly limited to the goods for which the GI is registered. The Court made it clear that GI protection cannot be extended to services or to unrelated commercial uses, such as the use of a GI name for hotel or lounge services. As a result, the decision limits the enforcement of GI and certification mark rights beyond the specific category of goods, ensuring that GI protection is not applied too broadly or beyond its statutory purpose.

3.2 Mr. R. S. Parveen v. Tirupati Laddu GI

Fact of the case:

Mr. R. S. Parveen filed a case challenging the Geographical Indication (GI) tag given to Tirupati Laddu, the famous sweet offered at the Tirupati temple. He questioned whether the GI registration was valid and argued that the GI should not have been granted.

Legal Issue:

Whether the GI registration of Tirupati Laddu could be challenged by filing a Public Interest Litigation (PIL) in the High Court, or whether the challenge must follow the procedure provided under the Geographical Indications of Goods Act, 1999.

Judgment:

The Court dismissed the case. It held that the GI Act, 1999 provides a proper legal procedure to oppose or cancel a GI registration through the GI Registry and appellate authorities. Therefore, filing a PIL in the High Court was not the correct platform for obtain legal remedy.

Significance:

This case is significant because it clearly establishes that challenges to Geographical Indication registrations must be made strictly in accordance with the procedure laid down under the Geographical Indications of Goods Act, 1999, and not by filing Public Interest Litigations (PILs) before High Courts. The judgment emphasises the principle that when a special statutory remedy is available, parties must use that mechanism instead of invoking writ jurisdiction. This ensures that GI disputes are resolved by

specialised authorities under the GI Act, maintaining procedural discipline and preventing misuse of PILs in matters involving statutory intellectual property rights.

4. Contemporary Socio-Economic Challenges

Despite its GI status and historical value, the Patan Patola craft faces an existential crisis driven by economic and social factors.

4.1 Competition from Imitations: The most significant threat is the proliferation of cheaper, mass-produced imitations, particularly single-ikat Patolas from Rajkot and Surendranagar. These products, often made with chemical dyes and power looms, undercut the authentic Patan Double-Ikat, causing immense financial strain on the original Patan artisans.

4.2 Time and Labour Intensity: The cost of Patan Patola is directly tied to its creation process, which takes six months to over one year for a single saree. This high investment of time and money, combined with relatively low returns due to market competition, makes the craft economically unviable for many.

4.3 Artisan Depletion (The Last Few Families): The double-ikat tradition is now upheld by only a handful of families (primarily the Salvis) in Patan. The younger, educated generation often shows a lack of interest in continuing the labour-intensive, risky, and low-yield traditional craft, preferring more stable modern careers.

4.4 Market Vulnerability: The craft relies heavily on a niche market of wealthy patrons and cultural organizations. Economic downturns (like the COVID-19 crisis) severely impact sales, pushing artisans toward alternative, easier-to-produce goods or non-weaving jobs.

5. Major Findings:

Based on the analysis of Patan Patola and the legal framework of the Geographical Indications of Goods (Registration and Protection) Act, 1999, the following findings have emerged:

1. The GI tag has successfully created legal recognition and brand identity for “Patan Patola,” but practical enforcement remains weak.
2. Imitation products from nearby regions such as Rajkot and Surendranagar continue to dominate markets, impacting artisan livelihood.
3. Lack of awareness among consumers and inadequate market monitoring allows fake products to flourish.
4. Artisans face financial instability due to high production cost, limited market access, and declining participation of younger generations.
5. The present GI mechanism is more registration-oriented than implementation-oriented, resulting in limited socio-economic benefits.
6. Digital and e-commerce platforms do not have strict GI compliance requirements, increasing the risk of counterfeit sales.

6. Suggestions and Recommendations:

1. To strengthen legal enforcement, the government should set up GI Enforcement Cells and Fast-Track GI Courts to monitor and act quickly against misuse. Artisans should be allowed to file complaints individually, and penalties must be increased based on the value of fake products. This will ensure faster action, stronger deterrence, and better protection for Patan Patola.

2. To maintain quality, every Patan Patola saree should have a GI Production Certificate before being sold, and a Quality Control Lab in Patan should verify its standards. Adding QR or hologram tags will help confirm authenticity. This will protect consumer trust and prevent low-quality imitations.
3. Digital platforms should be required to show the GI certificate number for Patan Patola listings, and a government portal like “GI Bharat Marketplace” can help sell only certified products. A national GI database with tracking technology will monitor products from making to sale. This will reduce online fraud and improve transparency.
4. To support artisans, the government should provide cheaper raw materials, low-interest loans through a Patan Patola Credit Card, and a monthly stipend to encourage new weavers. Reducing or removing GST will also help increase their earnings. This will make the craft more sustainable and help retain artisans.
5. Patan Patola should be included in Gujarat’s tourism plans through museums, workshops, and live weaving demos at fairs and exhibitions. Government departments like Textiles and Tourism can work together to promote it in India and abroad. This will increase market reach, visibility, and cultural pride.
6. The GI Act needs updates like higher penalties, easier proof rules for artisans, and stronger enforcement powers at the district level. It should also include digital authentication and support for international protection through GI treaties. These reforms will help the law stay effective in modern markets and technology.
7. Create a Patan Patola Cooperative Board with artisans, experts, and officials to manage pricing and protection. Provide training in branding, law, and digital skills to empower weavers. This improves bargaining power, prevents exploitation, and supports cultural self-governance.

7. Conclusion

The GI status of Patan Patola is a significant legal milestone; however, the true purpose of the GI Act can only be realized through effective implementation, not merely registration. Strengthening enforcement mechanisms, improving certification standards, expanding digital regulation, and supporting artisan welfare are essential to ensure that Patan Patola remains a living heritage rather than a fragile legacy.

A holistic, people-centric approach, balancing law, culture, and economics is crucial for safeguarding this intangible heritage. These recommendations aim to transform the GI framework into a practical tool for protecting cultural identity, ensuring livelihood sustainability, and positioning Patan Patola as a global symbol of India’s artisanal excellence.

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