

Beyond Registration: Unpacking the Real-World Impact of Geographical Indication on Registered Users at the New Town Hosto Shilpo Mela, Kolkata

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ABSTRACT

This research explores the real-world impact of Geographical Indication (GI) registration on product holders at the New Town Hosto Shilpo Mela, an annual handicraft trade fair in Kolkata, India. Using a mixed methodology of doctrinal analysis and qualitative interviews with 60 GI product owners, the study examines the commercial behaviors and decision-making processes of registered GI holders.

The findings reveal a nuanced landscape: while some sellers effectively exploit their GI status for premium pricing, others lack awareness of its potential, leading to inconsistent market outcomes. Notably, certain sellers experienced a paradoxical decline in sales when charging higher prices for GI-tagged items.

The study highlights the need for improved consumer education, stricter regulations, and collaborative stakeholder efforts to enhance the commercial utility of GI products. It also underscores the broader socio-economic implications of GIs, particularly for marginalized communities. Recommendations are provided to refine policy and support the sustainable growth of GI markets.

Keywords: Geographical Indication, Intellectual property, Handicrafts, Rural , Socio-economic policy.

Introduction

Despite our inclination to believe otherwise, our decision-making process is rarely guided by rationality or logical reasoning. Our choices are significantly influenced by emotions and other closely associated factors. This research article examines the intricate details of decision-making as seen by registered geographical indication holders. The New Town Hosto Shilpo Mela is an exhibition focused on showcasing and preserving the indigenous art and handicrafts of West Bengal, India. The Micro, Small, and Medium Enterprises and Textile Department of the Government of West Bengal conducts it. This study employs a comprehensive methodology, combining doctrinal analysis and qualitative interviews, to examine the behaviors and attitudes of individuals who own GI products. Informal and semi-structured interviews conducted during the fair provide valuable insights into the value proposition of registered geographical indication (GI) items, changes in demand after registration, registration experiences, and customer preferences. We analyze complex patterns in the dynamics of economic exploitation, customer perceptions, and decision-making processes regarding geographical indication (GI) items. Our study shows a notable disparity between the level of consciousness and the degree to which product holders make use of their Geographical Indication (GI) status. The analysis emphasizes the need to enhance consumer education, enforce stricter regulations, promote collaboration among stakeholders, and encourage technological advancements to ensure the sustainable growth and integrity of geographical indication (GI) markets. We analyze the complexities of the fair, with a particular focus on the commercialization process of registered Geographical Indication (GI) products. Our analysis focuses on examining different behavioral indicators and how they influence decision-making in the context of the law. Next, we examine data obtained from a trade fair that is

supported by the government and classify its consequences for lawmakers and policy creators. In conclusion, we propose policy modifications to enhance the usefulness of products labeled with geographical indications for all parties involved.

Research Methodology

The research methodology used in this study combines different methods, including analyzing existing research in behavioral economics, game theory, and social decision-making. Additionally, a thematic analysis was conducted on the responses collected from individuals who registered GI products and sold them at a Handicraft Fair in Kolkata, India. This study utilizes an extensive examination of relevant literature to extract crucial theoretical insights and frameworks that will be used to analyze the primary data collected. The primary data collection method for this research involved conducting informal and unstructured interviews with registered GI sellers who were participating in a trade fair. The purpose of these interviews was to obtain detailed and insightful perspectives on the awareness, understanding, and use of Geographical Indication (GI)-tagged products. This study seeks to thoroughly investigate the challenges and opportunities related to the exploitation of GI-tagged products by combining doctrinal analysis with empirical data collected through qualitative interviews conducted at a government-organized state trade fair.

Various Dimensions of Geographical Indications

A Geographic Information (GI) refers to a specific geographical position and its corresponding product(Pam & Gilbert, 2021a). If consumers perceive a GI product identification not only as geographically descriptive, but also as indicating a particular company or group of producers.(Islam & Habib, 2013) Under those circumstances, the geographical term no longer solely refers to the origin of the product, but also encompasses the potentially distinctive 'source' of the products. According to trademark law, the phrase has acquired "distinctiveness" or "secondary meaning" which refers to the specific producer or manufacturer of the product or service, rather than its primary meaning as a geographic place. Consequently, the word could potentially receive legal protection as a trademark(Moerland & Bhadauria, 2020). A geographical name, while primarily descriptive of a specific location, can be registered as a certification mark when associated with a particular product, as it grants permission for others in that region to use the phrase. The topic of GIs was relatively specialized and of limited interest just a few decades ago(Oguamanam & Dagne, 2014). There was a limited amount of scholarly research on the subject, particularly in English-speaking countries. Subsequently, after the implementation of the TRIPS Agreement(Evans & Blakeney, 2006), the significance of Geographical Indications (GIs) started to become more prominent in international discussions, including negotiations for free trade agreements and the formulation of national policies.(Dagne, 2016) As a result, there was an increasing amount of academic research that involved writers from Europe, the birthplace of GIs,(Cortes, 2011) as well as other nations and the global South. Over the past decade, the legal handling of Geographical Indications (GIs) has emerged as a crucial aspect of policy debates concerning both domestic and global economic and social progress.(Akua, 2019) These advancements illustrate the increasing importance of geographical indications (GIs)(Anania & Nisticò, 2004; Pam & Gilbert, 2021b). GIs have a strong connection to history and customs as they emerge from established traditions and ways of life in a particular location. As a result, they are regarded as an integral part of the cultural heritage of that place and sometimes even serve as a symbol of that specific location.(Chen, n.d.) In a world that is becoming more interconnected, cultural identities and origins seem to be gaining greater significance. Moreover, the once prevalent undifferentiated commodities that held sway over global trade and the associated discussions and negotiations are no longer in a position of dominance. Governments aim to establish commercial and legal systems to effectively coordinate promotional strategies and support policies in response to market segmentation.(Sheff, 2021) Companies strive to distinguish their products in order to secure a competitive edge in markets characterized by monopolistic competition. For numerous developing nations, making the choice to become a signatory to the TRIPS agreement was a challenging decision. The developing nations presumed that intellectual property rights and associated legislation were formulated with the intention of benefiting Western countries exclusively, rather than being applicable to the rest of the world(Handler, 2016; Hughes et al., n.d.; Thi Thu Ha, n.d.). Many developing countries clearly showed a reluctance towards TRIPS. The reason for this hesitation was the absence

of technology-based intellectual property rights in developing countries to provide protection. However, the majority of intellectual property rights pertain to conventional, cultural, and regional knowledge, and the individuals who possess this knowledge often have limited education (Perera, 2020). There was a genuine concern about the practicality and effectiveness of intellectual property rights. These fears were alleviated, and the intellectual property regime greatly benefited many individuals from developing countries. An example that demonstrates this is the case of a farmer from Kerala who has received multiple awards. Despite having only completed education up to the sixth or seventh grade, the farmer managed to devise a highly efficient technique for cultivating rubber trees. When questioned about potential infringement on his tree-planting technique, the farmer promptly stated his intention to obtain a patent for it (Zappalaglio & Mikheeva, 2021). Prior to the establishment of an intellectual property system, the idea of being so prompt in asserting one's legal rights was inconceivable. The farmer's expertise and innovative approach may lead him to develop a unique method, but acknowledging the opportunity to legally protect his work and choosing to do so is a significant stride towards social empowerment and justice, deserving great admiration. Similarly, Geographical Indication (GI) grants authority and capability to individuals with traditional expertise to create unique products that are internationally acknowledged for their excellence, geographical origin, and originality (Moerland & Bhaduria, 2020).

Challenges Revolving around GIs

Consumers perceive geographical indications as indicators of both the source and the excellence of products. A number of individuals have established valuable reputations that, if not sufficiently protected, could be distorted by unscrupulous entrepreneurs. Illegitimate utilization of geographical indications poses a detriment to both consumers and lawful producers. The latter group experiences negative consequences as a valuable business is removed, which in turn damages their established reputation for their products. Many firms and enterprises often exploit the geographical indication (GI) of different products to promote their own goods, even if they have no connection to the original GI-bearing product. This allows them to unfairly profit by misleading consumers into purchasing inferior and potentially counterfeit products, while also causing financial harm to the legitimate GI holders.

The protection provided to Geographical Indication (GI) (Zito, 2020) goods is primarily theoretical as it does not seem to be effectively utilized to prevent the misuse of GI products. An analysis of the various legislative frameworks and data pertaining to geographical indications (GIs) and their interactions with stakeholders indicates that the legal framework for GI protection is limited in terms of scope, impact, and level of protection. It is imperative to strengthen the existing system for protecting geographical indications (GIs), and there is a worldwide necessity to enhance awareness about safeguarding GI products. The main objective of the awareness campaign is to equip producers and stakeholders, particularly manufacturing associations, exporter and trade associations, civil society organizations, institutions of excellence, and grass-roots stakeholders involved in the production, marketing, and overall development of products, with the necessary knowledge and understanding of geographical indication-related issues. (Gangjee, 2020) This will enable them to effectively safeguard their products. Manufacturers can advertise their products by stating that the geographical indications (GIs) associated with their products are officially registered. They can also warn that any infringement of the rights related to these GIs may lead to legal consequences. Therefore, the probability of such violation diminishes. Based on the fieldwork conducted, it has been found that the implementation of geographical indication protection has not effectively diminished the risk of counterfeit products. However, products that have been registered with GI are now more susceptible to duplication and counterfeiting due to their legal and global recognition, which in turn increases their market value. Effective regulation of the production and use of GIs, as well as the removal of obstacles that could hinder their promotion, are necessary to ensure their contribution to public goods and sustainable development. Given the intricate composition of players involved, it is imperative to establish various avenues for collective action and governmental policies in order to fully harness the potential associated with goods derived from Geographic Information (GI) (Dagne, 2016). These encompass a wide range of topics, including intellectual property regulatory policy, agricultural market policy, social policy, food safety regulation, protection of local natural resources, and the development of food culture and tourism. Consequently, multiple levels of policy are suggested, spanning from global to national to very localized. Effective institutional frameworks are necessary to facilitate the proper coordination of different policy levels and stakeholders. Simultaneously, state regulations raise several concerns regarding their potential to impede private innovation and

yield GI products that are devoid of value or effectiveness. In order to effectively utilize GI products as providers of local public goods, it is essential to appropriately integrate both public and private activities, while also allowing for collaborative management. Countries should modify their agricultural policies in order to rejuvenate the economy, promote development in rural areas, and prioritize the quality of food over its quantity. This would be achieved through indirect means rather than providing financial aid in the form of cash grants or low-interest loans, which had been the customary approach until then (Farley, 2017). Prospective individuals are advised to reside in rural areas and allocate resources towards acquiring assets that enhance the economic growth of the region, safeguard its diverse cultural heritage, and command premium prices in the market owing to their exceptional quality and reputation, thereby granting the owners a competitive advantage. During the 1990s, the economic literature showed a strong interest in studying the spatial distribution of economic activity. Despite the limited availability of reliable data, recent research has focused on developing various theoretical approaches to analyze the relationship between concentration economics and different patterns of interaction. These variables affect the extent to which a business in a specific industry experiences internal economies of scale (Akua, 2019). Ignoring these variables can result in inaccurate conclusions about the geographic concentration of relevant operations. An exemplification of Banarasi Silk sarees can elucidate the paramount issue pertaining to Geographical Indications (GIs) (Gervais, 2010). One challenge faced by Banarasi saree manufacturers is the production of inexpensive synthetic replicas in Surat, a prominent textile center located in the state of Gujarat in Western India. Furthermore, it has been asserted that sellers frequently import Chinese silk fabric and market it as Banarasi sarees in Indian markets. The illicit commerce significantly impacts Banarasi manufacturers as Surat-produced synthetic sarees and Chinese-made sarees are frequently misrepresented as Banarasi products in multiple markets throughout India (Islam & Habib, 2013). The motifs and patterns of Banarasi sarees are not only copied, but the skilled weavers who create them are also recruited by Surat producers (Zito, 2019). However, the main issue is that these "Surat-made Banarasi-style sarees" are manufactured using synthetic materials and polyester, resulting in a significantly lower production cost compared to a "authentic" Banarasi silk saree. It is intriguing that Banarasi saree manufacturers have not pursued legal recourse against Surat-based or Chinese-based producers or sellers of Banarasi-style sarees for violating their registered Geographical Indication (GI) (Preusse et al., 2020). Instead, many Banarasi weavers are seeking more affordable raw materials for their sarees, with the belief that reducing their production costs will enable them to better compete by producing cheaper replicas of their sarees. Moreover, these producers strive to reduce prices in order to rival other authorized manufacturers of GI-designated Banarasi sarees (Bonadio & Poyser, n.d.). The individuals involved in producing genuine Banarasi silk sarees, who are considering adopting the methods employed by counterfeiters to lower their production expenses, may not be aware that such actions would ultimately undermine the quality, reputation, and demand for their esteemed products (Oguamanam & Dagne, 2014). Additionally, they risk forfeiting the traditional and cultural knowledge that is an integral part of their heritage. This underscores the consequences of the insufficient knowledge regarding Geographical Indications (GI) and associated regulations, even among individuals who possess GI tags. Additionally, it reveals a failure on the part of governments to establish an appropriate system to tackle these concerns. GI is situated at the intersection of three essential domains: intellectual property, commerce, and socio-economic policy. Indeed, in addition to their myriad advantages, such as high quality, Geographical Indications (GIs) serve as a straightforward means to support disadvantaged producers and artisans. Consequently, it has a substantial socio-economic influence. The project has the capacity to generate employment opportunities at the local level, protect local traditions and practices, and ultimately contribute significantly to the progress and independence of rural areas (Moerland & Bhaduria, 2020). Undoubtedly, the advantages of geographical indication (GI) can only be realized if the products are effectively marketed and safeguarded against fraudulent replicas in the marketplace (Castellanos, 2010). Government aid will be crucial in this matter, and it should extend beyond the mere act of registering goods with geographical indications. As demonstrated in the following sections, the process of registering a GI (Geographical Indication) product yields uncertain outcomes in general and, in certain instances, can even have adverse effects.

The Stage for the Study: New Town Hosto Shilpo Mela

The Micro, Small and Medium Enterprises and Textile Department of the Government of West Bengal has been organizing the Hosto Shilpo Mela, a Handicraft Trade Fair, for the past few years. The purpose of this fair is to prevent the disappearance of local art and handicrafts in the state of West Bengal, India. At the trade fair, one

could find over 20 out of the 27 officially registered Geographical Indication (GI) products from West Bengal, depending on the day of the visit. The fair took place from November 24th, 2023 to December 17th, 2023. The researchers attended the fair for twenty out of the twenty-four days it was open. The researchers approached the owners and individuals involved with registered GI products during the early hours when consumer traffic was relatively low, with a total of sixty (60) individuals present. The participants were requested to respond to inquiries during an informal and unstructured interview due to their marginalized backgrounds and limited formal education. The majority of questions were posed in Bengali, which is both the official language of West Bengal and the native language of the majority of participants. The survey included inquiries about the participants' perception of the benefits of having a registered Geographical Indication (GI) product, the impact on demand for their product after registration, their experience with the registration process, their involvement in government initiatives, their opinion on the superiority of their registered product compared to similar products, and the change in their overall revenue following registration (Chen, n.d.; Coombe & Malik, 2017). Each participant was provided with information regarding the purpose and characteristics of their interview, and they explicitly agreed to allow their responses to be used for research purposes. The responses were examined and unexpected patterns were identified, which will be discussed in the following section.

Findings

The findings uncover a complex and detailed landscape among holders of Geographical Indication (GI) products in terms of their practices for commercial exploitation. Some GI product holders have shown great skill in maximizing the commercial value of their registered GI products. They effectively use the unique geographical origins and associated qualities of their products to demand higher prices in the market. On the other hand, a significant number of individuals who own GI products are not aware of the inherent value proposition that comes with their registered GI status (Dagne & Oguamanam, 2018; Davison et al., n.d.). They fail to realize the potential to charge higher prices and do not fully utilize their intellectual property rights. Interestingly, a specific group of individuals who own GI products have experienced a counterintuitive occurrence: when they ask for a higher price for their registered GI product, it actually leads to a contradictory decrease in sales. This discovery implies that there is a complicated interaction between pricing strategies, consumer perceptions, and market dynamics in the context of commercializing GI products. This calls for additional research into the underlying mechanisms and the consequences for strategic decision-making among GI stakeholders.

Participants and Sampling

The study employed a convenience sampling method to recruit participants (N = 60) from a handicraft trade fair in Kolkata, India. All participants were owners or sellers of products with registered Geographical Indication (GI) status. The sample primarily consisted of individuals from marginalized socioeconomic groups, with the majority having little to no formal education.

Data Collection

Data collection took place over a 24-day period from November 24 to December 17, 2023, encompassing 20 days of the trade fair (83.3% of its total duration). Informal, unstructured interviews were conducted during the early hours of each day when consumer footfall was low. The primary language of the interviews was Bengali, the state language of West Bengal.

Interview Protocol

The interviews focused on six main topics:

1. Perceived value of GI product registration
2. Changes in product demand following GI registration
3. Experiences with the GI registration process
4. Participation in government initiatives
5. Perceived superiority of registered GI products compared to similar non-GI products

6. Changes in overall revenue post-GI registration

Findings and Discussion

The responses from the interviews revealed distinct patterns that indicate the diverse ways Geographical Indication (GI) registration impacts the commercial practices and decision-making processes of the sellers.

1. Perceived Value of GI Product Registration

A large portion of respondents displayed a limited understanding of the commercial value tied to GI registration. Although they recognized the cultural importance of having a registered GI product, most were not fully aware of how this registration could be strategically leveraged in the market. Many participants expressed confusion about how to advertise their products' GI status effectively, suggesting a lack of marketing support from the authorities who manage the GI registration process.

2. Changes in Product Demand Following GI Registration

The impact of GI registration on demand was mixed. A significant group reported a modest increase in sales, attributed to consumer recognition of the GI status. However, some artisans experienced no noticeable change in demand post-registration. Surprisingly, a few respondents observed a decrease in sales when they attempted to raise prices in line with the premium status of their GI products. This suggests a market perception problem, where consumers may not be fully aware of the added value and authenticity that comes with GI products, or they may not be willing to pay higher prices due to a lack of awareness.

3. Experiences with the GI Registration Process

Nearly all participants described the GI registration process as cumbersome and confusing. Many sellers had to rely on intermediaries, including local cooperatives or government officers, to navigate the bureaucracy involved. Additionally, some participants faced delays in the registration process due to unclear guidelines and a lack of adequate support systems. These findings underline the need for simplifying and decentralizing the registration process to make it more accessible, particularly for small-scale artisans from marginalized communities.

4. Participation in Government Initiatives

Government initiatives aimed at promoting GI products were not well-understood or well-utilized by the participants. Many sellers were unaware of specific schemes designed to assist them, indicating a gap in communication between the authorities and the beneficiaries. Those who had some involvement with government initiatives often felt that the programs lacked practical application or sufficient financial backing to make a noticeable impact on their businesses.

5. Perceived Superiority of Registered GI Products Compared to Similar Non-GI Products

Many respondents held a strong belief that their GI-registered products were superior in terms of craftsmanship, quality, and cultural significance. Despite this conviction, most were unable to articulate these advantages to consumers in ways that translated into sales. This disconnect between product quality and consumer perception underscores the need for better consumer education and marketing efforts that highlight the unique value of GI-tagged products.

6. Changes in Overall Revenue Post-GI Registration

The responses regarding revenue changes varied significantly. For a minority of sellers, the GI status of their

products allowed them to command higher prices and increase their revenue. However, the majority did not observe a significant change, and some even experienced a decline in revenue due to increased production costs associated with maintaining the high-quality standards that GI registration demands.

Policy Recommendations and Conclusion

The findings of this study highlight several critical issues facing sellers of registered Geographical Indication (GI) products at the New Town Hosto Shilpo Mela. Although GI registration is intended to provide economic and social benefits by protecting the cultural heritage of indigenous artisans, the real-world impact of this system is hampered by several structural barriers. These include inadequate awareness of the commercial potential of GI registration, poor communication between government bodies and artisans, and a lack of consumer education about the significance of GI products.

To address these challenges, the following policy recommendations are proposed:

1. Enhanced Consumer Education

The government should invest in campaigns that educate consumers about the significance of GI products, emphasizing their authenticity, cultural importance, and premium quality. Such efforts could help shift consumer perceptions and justify higher prices for GI-registered goods.

2. Streamlining the Registration Process

Simplifying the GI registration process, particularly for marginalized artisans, is critical. The government should provide accessible support systems, such as dedicated help desks or mobile applications, to facilitate the registration process and eliminate reliance on intermediaries.

3. Financial and Technical Support for Artisans

The state should offer subsidies or low-interest loans to GI product holders to cover the higher production costs associated with maintaining GI standards. Additionally, training programs on marketing and brand-building would empower artisans to better communicate the value of their products to a broader audience.

4. Collaboration Among Stakeholders

A collaborative approach involving the government, private sector, and local artisan communities could create stronger market linkages for GI products. Retail partnerships and online platforms could be leveraged to expand the reach of GI products beyond local trade fairs and into national and international markets.

By addressing these policy gaps, the government can ensure that the registration of Geographical Indication products translates into real-world benefits for the artisans who hold these designations. This would not only protect and promote West Bengal's rich cultural heritage but also create sustainable economic opportunities for marginalized communities.

Conclusion

This research highlights the complexities surrounding the commercialization of Geographical Indication (GI) products, using the New Town Hosto Shilpo Mela in Kolkata as a focal point. While the GI registration is designed to protect indigenous products and enhance their marketability, the study reveals a disparity in how product holders utilize their GI status. Some sellers successfully leverage the unique qualities of their GI-tagged items to demand higher prices, while others, particularly those from marginalized backgrounds, struggle to understand and capitalize on the potential benefits. This gap underscores the pressing need for targeted consumer education and

awareness campaigns to ensure that both producers and consumers fully comprehend the value of GI products.

Additionally, the research uncovers an unexpected market paradox—where raising the price of GI-tagged products led to a decline in sales for some sellers, suggesting a disconnect between consumer expectations and perceived value. This finding emphasizes the necessity for nuanced pricing strategies and greater consumer awareness to align market behavior with the intent of GI protections.

To ensure the long-term sustainability and success of GI markets, this study advocates for stronger regulatory frameworks, collaborative efforts between stakeholders, and the incorporation of technology to prevent counterfeiting and misuse. The socio-economic potential of GIs, particularly for rural and marginalized communities, remains significant. However, unlocking this potential requires more than just registration—it demands a holistic approach involving policy reforms, effective enforcement, and strategic market positioning. By addressing these challenges, GI products can serve not only as economic assets but also as powerful symbols of cultural heritage and local identity.

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