



Dilution of Geographical Indication: Future of GI

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Abstract:

Xerox is one of the main example for dilution across the globe. Xerox is the name of the machine manufacturing company which as time passes by replaced the name Photocopy. As dilution is being a greater threat for Trademark across the globe, It affects majorly in another extent for Geographical Indication. In General GI's doesn't have a great level of protection across the world as different laws are applied in different countries like for example US protects its GI in their Trademark law itself. Some countries like India have separate laws for GI that too after certain consideration and necessity of the same. Genericide is one of the main reason for dilution of Geographical Indication. Many GIs like the Parmesan Cheese, Feta Cheese are generalized that now the GI protection for the same are only applied in their own country and its not applicable outside their origin country. In this paper we will be looking at various threats that are causing these Dilution and how it can be protected and why it is necessary. We will also discuss on what are the effective measures that has been taken to prevent the same.

Keywords: Geographical Indication, Dilution, Genericide, Trademark.

1. Introduction

Geographical Indication is basically protection for goods which are either manufactured or agricultural that has a distinct feature which is arrived due to the locality, region or territory that it was produced or the way it was produced. Indian law which was adapted after the TRIPS agreement define Geographical Indication as “geographical indication”, in relation to goods, means an indication which identifies such goods as agricultural goods, natural goods or manufactured goods as originating, or manufactured in the territory of a country, or a region or locality in that territory, where a given quality, reputation or other characteristic of such goods is essentially attributable to its geographical origin and in case where such goods are manufactured goods one of the activities of either the production or of processing or preparation of the goods concerned takes place in such territory, region or locality, as the case may be.¹ It gives cultural protection to local producers who relied on the authenticity as people are more keen and interested towards original and uniqueness and in order to attain the same the recognition of GI is at most important. But dilution is being a major problem for the same. Dilution is when the distinctiveness of the GI erode the value of the GI. It can be caused by various issues like Genericide, Misrepresentation, use of similar names, etc. Many cases are there like the Parmesan cheese feta cheese and there even many bio diversity issues like for the turmeric, neem, etc. Everything

¹ The Geographical Indication Act 1999, Section 2 (e)

will be dissected in this paper and how to protect and what are the implications that are made will be discussed further.

2. Concept of Dilution

Dilution is not a new concept in IPR as trademark is one of the major victims of the same as there are N number of products which has lost their distinctive nature due to similar usage or sometimes its own popularity has caused it like generic nature of the name which led to the same. But for the protection of the same there are many other protections like the well-known mark. A very popular case of *Benz v. Hybo Hindustan*² which was a major landmark judgement which prevented Dilution of trademark by well-known mark even though the usage of product is completely different and the possibility of deceiving anyone is low in general. But it is vastly different when it comes to the Geographical Indication. WIPO explains dilution as “Use of a geographical indication in a way that *diminishes its distinctiveness or repute*—even without misleading the public.”³ Geographical Indication faces more problem due to dilution as it doesn't have that much protection compared to Trademark. There are many problems are faced by the GI like Biodiversity, Genericide etc. Will dissect it all one by one.

3. Causes of GI Dilution

There are many things that causes dilution of GI and which are to be prevented from the causes of it and also it needs to be identified first in order to dissect on what has to be done. Most of the Geographical Indication is based on agricultural products for example Assam Tea, Kodaikanal Malai Poondu (Garlic), Erode Manjal (Turmeric), etc. As it has unique features like the richness of the Soil, the effect of rain in the terrain and the way of cultivating is all add up to the final product. But when there is a change in the same it causes major level of difference in the product and it leads to reduction of the value of the GI which basically leads to dilution. The Preamble to the UN Framework Convention on Climate Change (UNFCCC) expresses deep concern over the severe impact climate change is having on humanity. It highlights how intensified human activities have led to a sharp rise in greenhouse gas levels, causing global temperatures to rise. This warming not only disrupts natural ecosystems but also poses a direct threat to human life. Alarmingly, nearly 30% of plant and animal species now face the risk of extinction due to the ongoing climate crisis.⁴ Genericide is a major threat that GI has been facing for a very long time. Genericide is basically when the GI becomes a common or general use name as time passes by, it losses it's association with its geographical origin. When the use GI is very common these days sometimes the names are used very liberally without proper authority and it causes confusion and deceives the consumers of the same. This leads to non protection of the certain GI and the livelihood of those who depend on it becomes at stake. For Example the use of Basmati rice by Non-Indian/Pakistani producers which is backed by the excuse that it has become a general name now.

4. Implications of the same.

One of the most immediate consequences of GI dilution is the loss of economic value associated with the product. GI-tagged goods are often prized in the marketplace not only for their quality but also for

² Daimler Benz Aktiengesellschaft v. Hybo Hindustan 1994 PTC 287

³ WIPO – Geographical Indications: An Introduction

⁴ Arnabi Bhagat 5th Year student, Alliance School of Law, Alliance University, Bangalore

the story they carry—rooted in land, labor, and legacy. When unauthorized producers or imitators use the GI label, this story becomes fragmented, and so does the consumer's willingness to pay a premium. The unique selling proposition that once made the product stand out is blurred, and the authentic producers—mostly artisans and small-scale farmers—bear the brunt of it. Take for instance *Darjeeling Tea*, the first Indian product to receive a GI tag. Despite this prestigious status, the global market is flooded with tea blends misrepresented as Darjeeling, with only a fraction of that actually sourced from its namesake hills. As a result, export revenue shrinks, genuine producers are undercut, and the overall brand loses its credibility. The prolonged battle over *Basmati Rice* in the United States, where American companies sought to patent the term for rice grown outside of India and Pakistan, underscores how dilution can trigger international trade conflicts and jurisdictional confusion. Once a GI becomes contested in multiple countries, the legal clarity around its ownership and scope begins to blur. Beyond the economic and legal lens, the dilution of a GI is deeply cultural. Most GI products are intimately tied to the heritage, rituals, and collective memory of a community. Whether it's the hand-woven elegance of *Kanjeevaram silk* or the intricate technique behind *Channapatna toys*, these are more than commodities—they are living traditions. When these products are imitated or commercialized without care for their origin, it leads to a disconnect between the product and the people who gave it life. Cultural dilution also brings with it the risk of misrepresentation. Products that carry a GI tag represent the reputation of a place and its people. When misused, it not only diminishes pride and identity for original producers but also confuses global consumers who may associate poor-quality imitations with the original region. A key component of conservation and the sustainable use of biodiversity is the preservation, respect, and upkeep of traditional knowledge, as stated in CBD Article 8(j)⁵. GIs act as a prevention and protection for the same. When proper protection of the Bio Diversity is not available then the tradition and culture of the same will be affected by it. Many GIs are ecologically specific—they derive their uniqueness from local soil, water, climate, and biodiversity. But when GIs are diluted through replication in non-native regions or mass production that prioritizes volume over quality, this ecological bond is broken. The product, now detached from its natural ecosystem, becomes standardized and generic. Over time, as diluted products flood the market, the entire category suffers, and consumers grow skeptical even of authentic GIs. This misalignment between expectation and experience ultimately erodes confidence in the GI system itself, defeating its core purpose of bridging tradition with trade.

Measures taken to prevent GI

To safeguard the integrity of Geographical Indications (GIs), the Indian government has implemented a multi-layered strategy. The Geographical Indications of Goods (Registration and Protection) Act, 1999 provides the legal framework, ensuring registration, infringement redress, and penalties for false usage (India Code, 1999). Additionally, initiatives like GI promotion fairs, awareness campaigns, and international registration support help small producers leverage GI value. Enforcement is aided by the Customs Act and specialized IP cells. These efforts reflect an evolving recognition that GIs are not just economic tools—they are cultural assets, deserving robust protection and pride (WIPO, 2021; DPIIT Annual Report, 2022).

⁵ Convention on Bio Diversity, 1992

5. Conclusion

Geographical Indication is one of the major and important IP law in India which is not given much importance either in the country or even around the globe. Many Countries doesn't even have a proper law for GI like India does. Its at most necessary to give proper importance to the same and identify the causes of the dilution like environmental issues, producer unawareness, lack of legislation, genericide, etc and dissect them separately in order to control the issues that are being faced by the producers and even consumers. Due to these a GI loses its actual value and leads to lose in Tradition and culture and it also causes major economic lose for both the producers and consumers due to the confusion caused by it. Even though there are many steps taken by the government to solve these issues it is not sufficient. Many more advertisements and awareness campaigns are to be held and proper knowledge is supposed to be there among the people in order to imply and protect Geographical Indications.

References

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