CASE COMPENDIUM

Geographical Indications

2026 Edition

CREDITS

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Note: This compendium is strictly for academic and research purposes and does not constitute official legal advice. All judgments credited to respective courts.

CASE COMPENDIUM

(India Specific)

Cases that led to amendments in the GI Policy Framework & Rules

While no single case amended the statutory text of the 1999 Act, the following prolonged litigation exposed a fatal flaw in the grassroots execution of the law, directly catalyzing the Geographical Indications (Amendment) Rules, 2020.

1. AGRICULTURAL AND PROCESSED FOOD PRODUCTS EXPORT DEVELOPMENT AUTHORITY (APEDA) V. STATE OF MADHYA PRADESH & ORS. (THE BASMATI RICE DISPUTE)

Citation: MANU/MH/0164/2016 (Madras High Court) & subsequent Supreme Court appeals.

PLAINTIFF	**DEFENDANT**
APEDA (Statutory body under the Ministry of Commerce)	**State of Madhya Pradesh and various regional rice exporters.**

Facts: APEDA registered "Basmati" as a GI for rice grown in the Indo-Gangetic plains covering seven Northern Indian states. The State of Madhya Pradesh (MP) demanded inclusion in the GI territory, arguing their farmers had historically grown Basmati as well. When the GI Registry denied MP's inclusion, aggressive litigation ensued up to the Supreme Court. Concurrently, international patent disputes (like the RiceTec controversy in the US) threatened the Basmati identity globally.

Issues: Can a State Government compel the GI Registry to expand the geographical boundaries of a registered GI? How can India defend its GI globally if the actual farmers are not legally registered to claim the right?

Ruling: The courts upheld the GI Registry's decision, ruling that GI boundaries are dictated by historical, scientific, and geographical terroir (environmental factors), not by political state borders. MP's inclusion was largely denied to preserve the strict integrity of the Basmati GI.

Impact in GI Regime: This relentless domestic and international litigation exposed a massive vulnerability: to defend a GI, the actual farmers/artisans need to be registered as "Authorized Users," but the existing statutory fee of ₹5,000 was prohibitively expensive for rural Indian farmers. Directly responding to the grassroots friction highlighted by the Basmati and Pashmina disputes, the Government enacted the Geographical Indications of Goods (Amendment) Rules, 2020, slashing the Authorized User registration fee from ₹5,000 to just ₹10. This democratization revolutionized the GI framework, allowing thousands of actual producers to secure their legal rights.

Other Important Cases that impacted the judicial interpretation of GI

1. TEA BOARD OF INDIA V. ITC LTD. (THE DARJEELING LOUNGE CASE)

Citation: MANU/WB/0277/2019 (Calcutta High Court)

PLAINTIFF	DEFENDANT
Tea Board of India	**ITC Ltd.**

Facts: ITC Limited, a premier hospitality group, operated an exclusive executive lounge named the "Darjeeling Lounge" inside its ITC Sonar hotel in Kolkata. The Tea Board of India, holding both the GI and the Certification Trade Mark for "Darjeeling" tea, sued ITC for GI infringement, arguing the lounge's name diluted the world-renowned Darjeeling GI.

Issues: Does a GI registered exclusively for a specific good (tea) grant the proprietor a monopoly to prevent the use of that geographical name in relation to services (a hospitality lounge)?

Ruling: The Calcutta High Court ruled in favor of ITC and dismissed the Tea Board's suit. The Court established that a GI is inherently restricted to the specific goods it is registered for. Furthermore, "Darjeeling" is a widely known geographical destination. The Court noted there was zero chance of consumer deception, as a high-end hotel guest would not confuse a luxury seating lounge with a packet of tea.

Impact in GI Regime: This is the bedrock case for the Doctrine of Class Limitation in Indian GI law. It firmly distinguished GI infringement from Trademark dilution, establishing that a GI does not grant an absolute cross-class monopoly over a geographical term.

2. ASOCIACIÓN DE PRODUCTORES DE PISCO A.G. V. UNION OF INDIA (THE PISCO HOMONYMOUS GI DISPUTE)

Citation: MANU/DE/1892/2026 (Delhi High Court)

PLAINTIFF	DEFENDANT
Asociación de Productores de Pisco A.G. (Representing Chilean Producers)	**Embassy of Peru & Union of India**

Facts: Peru successfully secured an exclusive GI registration for the term "PISCO" (a traditional grape-based spirit) in India. Chile, which shares a long historical border and tradition of brewing a similar spirit also called Pisco, challenged this exclusive registration. Chile sought recognition of "Chilean Pisco," while Peru demanded an absolute monopoly over the standalone word "Pisco."

Issues: Under Section 10 of the GI Act, how should the Registry treat "Homonymous GIs" (identical names originating from different countries)? Does granting a standalone name to one country violate Section 9 by causing consumer confusion?

Ruling: The Delhi High Court ruled that granting the standalone term "PISCO" exclusively to Peru would deceive Indian consumers. The Court ordered the GI to be amended to "PERUVIAN PISCO" to avoid confusion. Crucially, it recognized Chile's legitimate historical claim and directed the Indian Registry to process the application for the homonymous GI, "CHILEAN PISCO."

Impact in GI Regime: This landmark 2026 judgment set the definitive Indian precedent for handling international Homonymous GIs. It proved that Indian GI law prioritizes consumer clarity and equitable international trade practices over historical geopolitical disputes between foreign nations.

3. SCOTCH WHISKY ASSOCIATION V. J.K. ENTERPRISES

Citation: 2016 SCC OnLine Del 3467 (Delhi High Court)

PLAINTIFF	DEFENDANT
Scotch Whisky Association (SWA)	**J.K. Enterprises**

Facts: J.K. Enterprises, an Indian liquor manufacturer, launched a locally produced whisky under the brand name "Red Scot." The SWA, representing Scottish distillers and holding the registered foreign GI for "Scotch Whisky" in India, sued for infringement, arguing that "Scot" implied Scottish origin.

Issues: Does the use of a phonetic abbreviation or derivative (like "Scot") by a local manufacturer constitute an infringement of a registered foreign GI?

Ruling: The Delhi High Court ruled in favor of the SWA, granting a permanent injunction. The Court held that words like "Scot" or "Glen" are intrinsically linked to the geographical origin of Scotland in the minds of consumers. Using them on Indian-made liquor is deceptive passing off and a direct violation of the Scotch Whisky GI.

Impact in GI Regime: This case fortified the protection of Foreign GIs in India. It established a strict threshold against phonetic and derivative similarities, warning local manufacturers that Indian courts will rigorously enforce global GI rights against deceptive labeling.

4. UNIBIC FOODS INDIA PVT LTD V. BIKANER BHUJIA UDYOG SANGH

Citation: 2026 DHC 2307-DB (Delhi High Court)

PLAINTIFF	DEFENDANT
Unibic Foods India Pvt Ltd (Appellant in Division Bench)	**Bikaner Bhujia Udyog Sangh**

Facts: Unibic, a massive corporate FMCG brand, began aggressively marketing and selling packaged snacks labeled as "UNIBIC SWAADESI BIKANERI BHUJIA." The Bikaner Bhujia Udyog Sangh, the registered proprietor of the GI that protects the traditional artisans of Bikaner, Rajasthan, took immediate legal action to stop the corporate giant from exploiting their protected geographical identity.

Issues: Can a non-authorized commercial entity use a registered GI as a descriptive suffix for its mass-produced commercial snack brand?

Ruling: The Delhi High Court took a strict stance, culminating in a mediated settlement in March 2026. Unibic was forced to completely cease manufacturing, marketing, and selling any products using the term "BIKANERI BHUJIA" (directly or indirectly). Furthermore, Unibic paid a lump-sum penalty of ₹6,50,000 to the artisan Sangh.

Impact in GI Regime: A massive contemporary victory for localized artisan associations against corporate FMCG giants. It practically reinforced that corporate brands cannot casually adopt registered GIs as "flavor descriptions" without being registered Authorized Users legitimately manufacturing the good within the specified geographical territory.