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Beyond The Bazaar: Securing India's Heritage Textiles From Digital Dupes via GI Protection

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ABSTRACT

In the last few decades, the global fashion industry has been greatly transformed by fast fashion, more consumers worldwide, and online businesses. For this reason, the legal systems that oversee fashion law are becoming more and more important. Fashion law covers many different legal subjects, for example, intellectual property, contracts, trade regulations, labour, cultural heritage, and the environment. In India, praising traditional textiles and crafts is mainly achieved through the system of Geographical Indications (GIs). Besides acting as signs of different regions, GIs allow cultures to thrive, boost economies, and prove the authenticity of their products. Banarasi silk, Chanderi fabric, and Pochampally ikat are now protected by the GI tag since it recognises where they come from and their special history. This paper looks at the topic of GI protection in light of the issues brought about by fast fashion. When fast fashion pushes for more products, crafts are often not given proper approval and the profits made by the manufacturers often skip the artisans. The paper tries to find out if GI really helps local artists or if it has been appropriated by well-known companies to perceive luxury as something rare and high end. It studies how GI-tagged items affect people's buying habits and beliefs as well as cross-country problems related to defending GI rights online and elsewhere. All in all, the purpose of this study is to spot gaps in GI protection rules and suggest how policies can be improved. Subjecting apparel and footwear products to GI protection is meant to guarantee that GI protection protects heritage and also means that everyone in the sector gets fair economic rewards.

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Keywords: Geographical Indications (GIs), fast fashion, fashion law, traditional textiles, and artisans.

1. Introduction

1.1 Overview of legal frameworks governing fashion

Fashion law is still quite new, but it is evolving rapidly to direct the rights and responsibilities that relate to the fashion industry. It involves many areas of law, for example, intellectual property (IP), contracts, labour, regulations for the environment, and international trade. Since the fashion industry is both original and works fast, it requires strong legal support to help control copyrights, guarantee proper trade procedures, and maintain the protection of all kinds of fashion systems.³

Here in India, no special law for fashion exists; fashion law operates along with existing regulations. It is important to mention that IP rights for fashion creators mainly depend on the Copyright Act (1957), Trade Marks Act (1999), and the Designs Act (2000). According to the Designs Act, a design that is not copied can be registered as original. Also, copyright may apply to artistic works used in textiles.

Protection of goods that have qualities or a reputation because of their origin is made possible through the Geographical Indications of Goods (Registration and Protection) Act, 1999. When it comes to fashion, handmade textiles special to a region, for instance Kanjeevaram silk, Banarasi brocade, Kashmiri Pashmina, and Chikankari embroidery, are very important. In global terms, fashion law is developing, mainly in the EU and US, where the law pays more attention to ethical workers, sustainability, and knockoff products. For instance, the New York Fashion Sustainability and Social Accountability Act (2022) tells global companies in fashion to track their processes and reduce their impact on nature.⁴ At the present time, India has no such focused law, yet with the increase in public attention and worldwide watch, policymakers are urged to merge fashion protection into policies concerning international trade and intellectual property.

1.2. Understanding Geographical Indications: Role of GIs in Protecting:

Geographical Indications (GIs) belong to intellectual property and help identify goods by where they come from. Even though the GI tag serves as an identifying mark, its main role is to save the

³ Geographical Indications of Goods (Registration and Protection) Act, 1999, No. 48, Acts of Parliament, 1999 (India).

⁴ Geographical Indications of Goods (Registration and Protection) Rules, 2002 (India).

arts of making and to help artisans gain economic strength. It provides clear rules so that only genuine goods from the particular place and following the proper methods can be labelled as GI. Such a legal tool is significant in making sure that community identity and skill-passing traditions in fashion and textiles are well-protected over the years. Take Banarasi sarees, which have gold and silver brocade and fine silk weaving and are recognized with the GI tag, as products from Varanasi. Only products from the allowed area and made the old-fashioned way can use the term 'Banarasi' under its GI status. Likewise, the GI status was awarded to Kashmiri Pashmina to defend it from duplicate goods produced in machines, mostly imported and not made in Kashmir. As a result, workers aren't pushed out of their old jobs and buyers don't end up with impostor goods that damage the original product's value and tradition. There is a chance for socio-economic growth through GI protection. As a result of GI protection, more people can find work in the area because products are worth more. Handloom Reservation of Articles for Production Act, 1985, cannot strictly be called a GI Act, but it sets aside specific articles for traditional form of production, helping these movements. Still, the problem comes with how the laws are implemented. Artisans tend not to be informed about the benefits of GI protection, and the government does not have adequate enforcement on the Internet because counterfeit items have become widespread there.⁵

1.3. Fast Fashion vs. Traditional Craftsmanship – How Rapid Mass Production Impacts GI-Protected Industries

Because of fast fashion, the fashion industry now looks very different from how it once did. With its quick method of producing less expensive clothes inspired by what's on the runway, fast fashion has brought a big change to the way people shop and adversely affected the traditional fashion world. The main cause of this tension is that fast-produced clothes are very different from models made with great effort and skill. Because fast fashion companies sometimes imitate local handicrafts, experts refer to this practice as misappropriation or copying of cultures. This makes the GI-protected industries' survival very uncertain. People are buying more machine-made Banarasi sarees and faux Pashmina shawls, which has made traditionally made products less

⁵ Vaidehi Sharma & Chitra Prakash, *Assessing the Impact of GI on Traditional Indian Textiles*, CIIPR (July 26, 2024), <https://www.ciiprrgnul.com/post/assessing-the-impact-of-gi-on-traditional-indian-textiles>.

attractive⁶. Artisans are challenged by the cheaper and faster-made factory goods, since their traditional products are more sustainable, exquisite, and represent local culture. In addition, because they may be unaware of the difference, consumers choose the cheaper ones and, in this way, damage local industries. Legally, the framework is now not able to manage these challenges. Counterfeiters take advantage of it, since online shops usually do not check whether products are indeed GI tagged.⁷

International protection also varies from one situation to another. Even though India manages to register some GIs in the EU such as Darjeeling tea, fashion-related GIs have not been pursued internationally. Considerations about the environment and ethics are included too. Its dependence on unfair treatment of workers, pollution of the air, and harmful waste of water has made fast fashion the target of critics. At the same time, many traditional textile makers focus on environmental sustainability by using natural dye, making fabric by hand, and sourcing materials locally. Therefore, promoting them again is good for the environment and the economy. Certain initiatives, for example the Khadi and Village Industries Commission (KVIC), are trying to present traditional crafts as more sustainable choices compared to industrial fashion. But extra policy work is needed to include GI-protected industries in the nation's sustainable development plans.⁸

2. India's Tryst With Traditional Handcrafts and IP Rights:

2.1. Protection of Fashion and Traditional Indian Crafts under the Geographical Indications of Goods (Registration and Protection) Act, 1999:

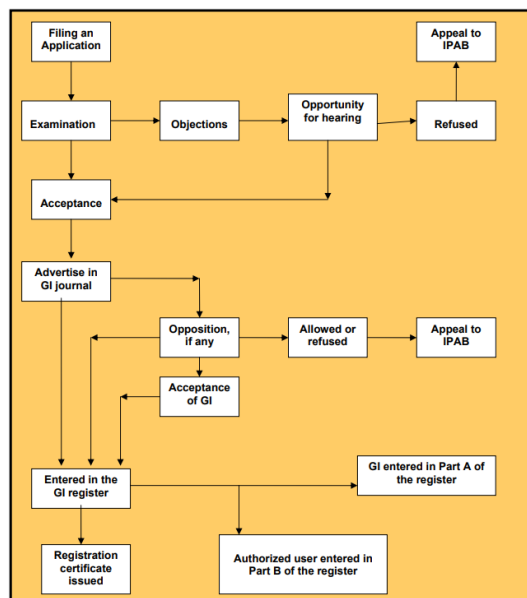
India is a land of varied cultures; an established fact where Indians witness the *Pashminas* from the hilly terrains of Jammu and Kashmir to the *Kanchipuram Sarees* from Kerala and Tamil Nadu. These commodities are byproducts of generational experiences and treasures which has been passed down from one generation to another; especially the process of making the same. Although this ends up being commercialised, it is of paramount importance that a sound mechanism for the protection of the craftsmanship and the process is granted, along with a structure to preserve its authenticity. This is where the entire aspect of GI comes into being, which not just provides recognition and profit maximisation, but also provides for authenticity for the Indian arts and

⁶ Ministry of Textiles, Govt. of India, *Annual Report 2022–23*.

⁷ Guillermo C. Jimenez, *Fashion Law: A Guide for Designers, Fashion Executives, and Attorneys* (2nd ed. 2016).

⁸ Centre for WTO Studies, IIFT, *State-Wise GI Applications in India* (2021).

handicrafts which make strides across the world. The procedure for registration⁹ and validity¹⁰ for the usage of GI in the fashion sector makes it an effort by the Indian Government towards the protection of the traditional handicrafts in the country. A simplified procedure with regard to registration of the GI tag has been reproduced below:



Source: Fibre2Fashion Private Limited

It is pertinent to note that the protection granted in the form of GI tag in the Indian diaspora is a byproduct of the Government of India being signatory to several international conventions like that of the Paris Convention¹¹, The Madrid Agreement,¹² the Lisbon Agreement¹³ and the TRIPS Agreement.¹⁴ These agreements provide for provisions with regard to the duplicity and counterfeit goods which have received a GI tag based out of a particular geography and envisage acts and usages of certain goods and commodities which would cause unfair competition within the ambit of the Paris Convention.

⁹ Section 5 of the Geographical Indications of Goods (Registration and Protection) Act, 1999, No. 48, Acts of Parliament, 1999 (India).

¹⁰ Section 18 of the Geographical Indications of Goods (Registration and Protection) Act, 1999, No. 48, Acts of Parliament, 1999 (India).

¹¹ The Paris Convention for the Protection of Industrial Property, 1883.

¹² The Madrid Agreement for the Repression of False Origin, 1891.

¹³ The Lisbon Agreement for the Protection of Appellations of Origin and their International Registration, 1958.

¹⁴ The Agreement on Trade related Aspects of Intellectual Property Rights Including Trade in Counterfeit Goods, 1995.

2.2. India, Authenticity, and GI Safeguards to the Traditional Handicrafts:

Unlike the other Intellectual Property protections like that of copyright, patent, and trademark, GIs operate in a collective sense, rather than individual sense; GIs could be equated to *Right in Rem* rather than *Right in Personam* wherein instead of protecting the individual, the craft or the specific commodity belonging to that particular region is granted protection, thereby commanding a wide net of protection over the handicrafts and commodities. Additionally, a striking feature of the wide net of protection casted by GI would be the protection from counterfeit protection, which disables the producers/manufacturers from other regions to stake claim over authenticity when the product manufactured is counterfeit or simply not from that particular area where the GI tag has been granted. A prime example for this could be the *Kancheevaram Silks and Sarees*¹⁵ indigenous to the area of Kanchipuram in the state of Tamil Nadu has been granted the GI tag to protect its authenticity and at the same time to ensure that the authenticity of the commodity remains intact.

However, it is to note that despite such measures undertaken by the government of India, there exists certain lacunae and implementation challenges which persist and requires undivided attention, as the grass is not always green; the grass is greener on the side where you water:

- (a) Although GI tags to the Indian Handicrafts have been granted, there exists an issue of counterfeit products and commodities being sold under the name of the original product persists; the dark side of globalisation. This counterfeiting of the GI tagged products has been an ongoing affair, with lower-cost, cheap and alternative counterfeit products being made available to the consumers disregarding the tag granted. This showcases redundancy in enforcing proper implementation mechanism as envisaged by granting protection to the Indian Textiles. Additionally, the dysfunctional nature of the Textiles Committee set up under the Textile Committee Act, 1963¹⁶ has further widened the gap, as the powers of

¹⁵ *GI TAG PRODUCT – KANCHEEVARAM SILKS AND SAREES* | Kancheepuram District, Government of Tamil Nadu | City of Thousand Temples | India, <https://kancheepuram.nic.in/about-district/gi-tag-product-kancheevaram-silks-and-sarees/> (last visited Jun. 8, 2025).

¹⁶ The Textiles Committee Act, 1963, No. 41 of 1963.

inspection¹⁷ under the aforementioned act does not cast a wide grip over the counterfeit products.¹⁸

- (b) It is important to voice out the administration difficulties as presented in granting the GI tag, as a large set of individuals engaged in the craft are alien to the legal procedures, benefits and documentation process involved in granting of the GI tag. This lack of awareness is caused owing to the lack of awareness programmes by the Government of India regarding importance of GI tag. This lack of awareness not just keeps the weavers and the artisans in the dark but also depletes the motivation in the hearts and minds of these weavers, which are already a prey to the machines being brought by mammoth corporations. This issue is further complemented by the existing disparities between the government; trade associations and the weavers present in the manufacturing and processing of these delicate textiles.¹⁹
- (c) The protection by a GI tag is limited merely to the name, in the textile industry, as opposed to the process for the manufacture of the same. Let us take the example of *Pashmina Shawls*. Per the provisions of the GI Act²⁰ the ‘name’ of the product or commodity would be protected, in order to ensure that there exist no counterfeit products of the commodity exists. However, should a corporation with heavy machinery enters the market and manufactures the same *Pashmina* with the processes in the factories, there exists no protection for the same. The Patents Act²¹ and the Design Act²² along with the GI Act have been rendered inoperable to provide protection to the traditional process of weaving and craft which has been passed down to the weavers and artisans through generations.
- (d) Information sharing in the globalised world is the boon of the day, wherein information has been made available to the public with a tap of their fingers. However, there exists a certain issue with regard to the textiles and information sharing. Carrying forward the above point, the GI Act does not grant any protection with regard to the knowledge which

¹⁷ Section 5 of the Textiles Committee Act, 1963, No. 41 of 1963.

¹⁸ Ministry of Textiles (India), *How GI Tags Are Protecting India's Traditional Crafts and Products*, <https://www.indiahandmade.com/blog/how-gi-tags-are-protecting-indias-traditional-crafts-and-products> (last visited Jun. 8, 2025).

¹⁹ Ibid.

²⁰ *Supra* note 7.

²¹ The Patents Act, 1970, No. 39 of 1970 (India).

²² The Designs Act, 2000, No. 16 of 2000 (India).

accompanies the product, thereby compromising the sacred and traditional knowledge of the innovation and processing. In the context of textiles protected by the GI tag as well, the knowledge mandatorily needs to be made public, leading to potential exploitation by the large players with their heavy machinery.²³ In order to grant protection for the same, WIPO has proposed for a clear line of demarcation with regard to traditional knowledge and innovation under the categories of secret and non-secret.²⁴

- (e) Commercialisation of the product by including intermediaries and traders along with the artisans who are engaged in the production and manufacturing of the goods has lead to severe malpractices in the sector, beginning from dilution of the product quality to discrimination in the transporting and providing logistical issues for the transportation of the goods. It is because of these middlemen and intermediaries that the producers (weavers and artisans) have been cut off from the market, which disable them to enjoy the direct benefits of the GI tag.²⁵

3. GI Protection as an Economic Catalyst: Impact on Local Artisans and Global Trade Value

GIs are used to protect the origin of products and also help local craftspeople and small-scale businesses in the economy. In India, advancing traditional textiles and handicrafts by placing them under GI protection has made them much more valuable to the economy. Prior to getting GI tags, Banarasi silk, Chanderi fabric, and Kanjeevaram sarees had lower prices than they have now. Thanks to trade, weavers can get a higher bargaining position, earn better wages, and their talents from the region get more recognition. Also, being GI certified means the government can help, the product can reach the market and be sold internationally. It not only helps the rural income but also creates more employment choices for artisans, which protects them from displacement by expanding industrialization and the fast fashion movement. But the success of these products in the economy requires effective actions by the authorities. In several cases, artisans do not know they are GI products or do not have the right facilities to make the best use of it. Many times, middlemen and companies take the benefits of GIs while the people who create them are neglected.

²³ Allonssa Sarker, *How Effective Is GI in Safeguarding Traditional Art?* - *Fashion Law Journal*, (Oct. 6, 2021), <https://fashionlawjournal.com/how-effective-is-gi-in-safeguarding-traditional-art/>.

²⁴ WIPO IGC Secretariat, *The Protection of Traditional Cultural Expressions: Draft Articles*, WIPO Doc WIPO/GRTKF/IC/18/4 (2011).

²⁵ Vaidehi Sharma and Chitra Prakash, *Assessing the Impact of GI on Traditional Indian Textiles*, CIIPR (Jul. 26, 2024), <https://www.ciiprrgnul.com/post/assessing-the-impact-of-gi-on-traditional-indian-textiles>.

Their chances to be recognized globally are limited, and that makes it tough for them to trade abroad. Till export strategies and awareness campaigns are improved, the full potential of GI laws is not being used. In addition, if GI protection goes hand in hand with training, branding the product, and fair trade, it has the ability to encourage economic growth in the area, reduce migration from rural to urban settings, and save artistic traditions that are at risk. Thus, GIs should be treated not only as legal methods but also as useful ways to promote strategy. To realize the economic potential of GI marks in fashion and textiles, supporting artisans' education, providing cooperative structures, and legal assistance is very important.²⁶

3.1. Consumer Perception of GI-Tagged Fashion Do Buyers View GI Products as Symbols of Authenticity or Exclusivity?

Having a positive image among shoppers is key to GI-tagged fashion products doing well in the industry. In many urban and international places, GIs make buyers feel connected to the original culture and tradition behind the products. Most GI-labelled products are known for their deep roots in tradition, unique places, and mastered craft, so they differ from mass-produced trendy fashion pieces. Because of this view, customers are more likely to pay extra for stylish and eco-friendly shoes. As a result, GI-labelled cloth and clothes represent history and memories shared by the whole community. Because of the GI label, people trust the good more, especially at a time when fake items are sold everywhere.²⁷ In addition, a number of luxury and elite buyers consider GI products to be exclusive rather than widely available. Here, what attracts many is a combination of authenticity and the fact that something is rare. When promoted in a smart way, GI products can be made to stand out as top-quality fashion items and be more attractive to rare buyers. Nevertheless, viewing money as authentic or exclusive causes many ethical and financial difficulties. Even though GI marks get people's attention around the world and raise prices, they sometimes end up being too expensive for their own communities to buy.

Besides, promoting these foods as luxury brands could remove a lot of their traditional and cultural background and turn them into mere decorative items. Thus, there is a conflict between ensuring what is original and making something unique. For GIs to be valuable to people who produce and

²⁶ Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods, Apr. 14, 1891, 828 U.N.T.S. 389

²⁷ WTO, *TRIPS Agreement: Geographical Indications*, WTO Module (2021).

consume, the cultural meaning of these items should be made clear to everyone. When a company is ethical, clear in its source of goods, and links artisans directly to consumers, people are likely to consume more responsibly. To create successful marketing, legal, and policy approaches for GI-tagged fashion, it is crucial to see things from consumers' perspective.²⁸

3.2. Luxury vs. Ethical Fashion: The Role of GI Protection Does GI Enforcement Benefit Small Artisans or Elite Fashion Brands?

The meeting of Geographical Indications, luxury fashion, and ethical production shows that sometimes GI protection favors others besides the original artists. Although the law is made to protect regional artisans, the system of enforcement usually benefits large businesses due to their access to legal, marketing, and distribution services. Famous brands, from different countries, regularly use GI-tagged art, adding it to their collections to make things more unique and trusted. Such companies rely more on GIs to make their brands appealing and sell more products, and less to help people. Fair wages, caring for nature, and respect for culture come first in ethical fashion. If all goes well, GI protects the interests of artisans in ethical fashion, ensuring they get intellectual property rights, economic gains, and recognition.²⁹ Even so, the difference between what is written in the law and what communities actually get means that most GI-recognized groups are not helped much. It is often difficult and costly for little-known groups to defend their GI rights, so large brands can use and benefit from these techniques while being uncommon to cooperate. In some situations, these brands register trademarks on divided versions, which keeps the main producers from entering global markets. This situation points out that GI enforcement needs to be updated so it fulfils its main role of safeguarding ancestral knowledge and helping the poor. Promoting ethical connections, adopting profit-sharing methods, and helping with artisan cooperatives will make certain that GI protection is not only used for marketing. Besides, those in authority should be able to identify between giving widespread benefits to the community and focusing on making the area look good for outsiders. Making sure fashion production systems are ethical and in

²⁸ Ruppel W. Sharma & Shraddha Kulhari, "Marketing of GI Products: Unlocking Their Commercial Potential" (Ctr. for WTO Stud., IIFT 2024).

²⁹ Suman Sahai & Indrani Barpujari, "Are GIs Better Suited to Protect Indigenous Knowledge?" *Gene Campaign* (2018).

compliance with the law, small artisans who own traditional fashion knowledge should gain from it, and not just the elite.³⁰

3.3. Cross-Border Challenges in GI Enforcement Case Studies on International GI Disputes in Fashion:

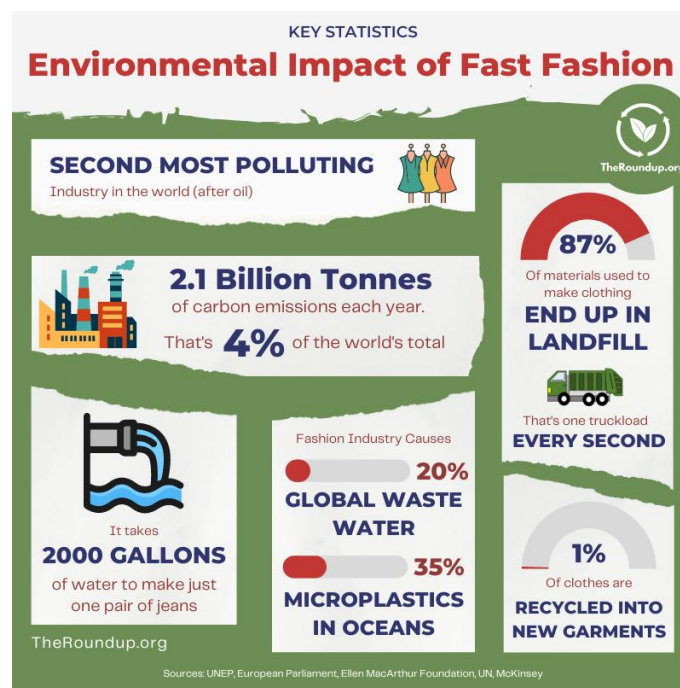
Enforcing Geographical Indication (GI) rights reaching customers outside the home country is still one of the toughest tasks for producers of traditional fashion items. Under TRIPS, GIs are well known, yet their protection in other countries depends mostly on mutual agreements, local laws, and filed international certifications. Items with the Indian GI tag have been repeatedly copied and sold without origin-based certification in different foreign markets. One example is Chinese designers using Banarasi motifs and Pashmina shawls being exported despite lacking the proper labels. Such acts weaken the real products' value, create doubts for customers, and hurt the professionals in the field. It has been found in case studies that international legal processes are both hard to navigate and too expensive for most artisan groups.³¹ For example, Darjeeling tea GI was registered and successfully protected in the European Union through collective trademark registration, but the same achievement is hard to find in the realm of fashion GIs. Since India's GI register is not officially recognized around the world, and they do not have mutual agreements with countries like the US, Canada, and parts of East Asia, they have trouble with cross-border enforcement. It also adds to the challenge when major websites like Amazon, Etsy, and Alibaba sell counterfeit or misleading items labelled as GIs to people overseas with few rules. In order to deal with these challenges, India has to use various approaches at the same time. We should first focus on giving international protection to GI-branded fashion goods through the Lisbon Agreement or the Geneva Act. Also, India should focus on diplomacy to see that GIs are recognized by other countries in different trade agreements. Lastly, partnering with international consumer groups, online selling portals, and law companies that focus on IP can make it easier to spot and solve IP issues. Proper enforcement of GIs across international borders helps preserve India's reputation in fashion abroad.³²

³⁰ Suelen Carls, "Thinking Outside the Box: Legal and Non-Legal Objectives of GIs," WIPO-WTO Colloquium Papers (Jan. 13, 2024).

³¹ Fashion Forward, Legally Protected: Analysing IPR Laws in India," 2 *NLU Assam J. Intell. Prop. Rts.* 112 (2023).

³² *Increasing Focus on Heritage: Geographical Indications and Beyond*, *Fashion Law J.* (Feb. 2023).

With the dawn of globalisation and growing demand for ‘fashionable’ clothes, the consumers across the world have succumbed to fast fashion. Fast Fashion refers to a phenomenon, where quick delivery and access to new collections by undertaking a quick manufacturing process takes a front seat while driving environmental concerns and sustainability to the backseat. This exponentially growing industry, responding to the demand and market is one of the biggest contributors to environmental pollution. It has a double degrading effect on the environment. The environment depletion commences from the production stage, where processes like that of raw material extraction, manufacture and transportation is done while depleting the environment and being a huge contributor to Greenhouse Gases (GHGs). Since the clothes are a byproduct of fast fashion, they are discarded at a rather quick pace as and when the trend for such clothes concludes. This destruction is often in the form of filling up of landfills or burning of the clothes, whichever is feasible for the ones controlling the command centre, thereby furthering environmental degradation.³³



Source: RoundUp Org

³³ Plastic Pollution Blogger, *How Fast Fashion Is Bad for the Environment - The Plastic Collective*, PLASTIC COLLECTIVE (Feb. 6, 2024), <https://www.plasticcollective.co/how-fast-fashion-is-bad-for-the-environment/>.

Au Contraire slow fashion, or the products which are processed and manufactured overtime causes considerably negligible environmental degradation, and at the same time remains ‘relevant’ with a minimal requirement for disposal (apart from the longevity) as it focuses on quality, authenticity and locally sourced products and heritage. For example, the *Bagru hand block print*, which got its GI tag in 2011, indigenous to Rajasthan sets a prime example of sustainability as the block print themes and natural dyes are sourced from the local vegetation and flora of Rajasthan.³⁴ Additionally, the *Sambalpuri Bandha Saree*, which received its GI tag in the year 2012 employs a form of tie-dyeing called ‘Ikat.’ In this process, the yarns used for making the saree are tie-dyed prior to weaving, which in turn creates patterns on both sides of the fabric. It is because of Ikat, that the original *Sambalpuri Bandha Saree* takes several months, before it is placed on the shelf for the consumers to procure.³⁵ However, it is important to note that it is not feasible and viable to incorporate the principles of sustainable fashion to be incorporated completely towards the processing and manufacturing of GI tagged textiles in India. Sustainable fashion often rests on the pillars of smooth functioning of the circular economy and reduced prices of the products. However, it is to be noted that the labour and the hard work as put through by the local weavers and artisans for the manufacture of such intricate textiles cannot be subjected to lower costs. However, at the same time fabric quality, authenticity and reduction of textile waste should continue to remain the principal focus.

4. Legal Loopholes in GI Protection Misuse by Corporations and Inadequate Enforcement

Regardless of its positive purpose, Geographical Indication (GI) protection faces problems because the current laws have many gaps, mostly in the fashion industry. A big problem is that it is unclear how far GI protection should go and there are not enough ways for stakeholders to enforce this protection. Under the 1999 Geographical Indications of Goods (Registration and Protection) Act, artisans in India can be registered, but they still lack enough power to lead their production, marketing, or fight for their legal rights. Therefore, companies often use GI-labelled goods as designs, outsourcing them to lower the cost, and keep using the well-known Brand names associated with GI labels. Because of this commercialisation, the original creators are replaced,

³⁴ *Indian Crafts That Got Geographical Indication (GI) Tag in Recent Years*, iTOKRI आई.टोकरी, <https://itokri.com/blogs/craft-masala-by-itokri/indian-crafts-that-got-geographical-indicationgi-tag-in-recent-years> (last visited Jun. 9, 2025).

³⁵ *Silk Sambalpuri Saree - The Ultimate Guide*, ODIKALA, <https://www.odikala.com/blogs/news/silk-sambalpuri-saree-guide> (last visited Jun. 9, 2025).

and the culture and financial sense of the GI are lessened.³⁶ What's more, it is challenging to enforce the law, which adds strain on artisanal groups because they cannot afford lawyers or trust the legal system. Associations or the government register thousands of workers, taking away much of their decision-making power. The effects of misusing trademarks are usually not strong enough to stop large companies from ignoring the rules. Since there is no strict authority that checks products and no set method for marking them, it is much easier for false GIs to sell their goods at the expense of consumers.

Since dealing with these issues is important, the GI legal system needs to become more concerned with enforcement and security. Improving the punishments mentioned in laws, forming extra monitoring teams, ensuring producers take part in GI administration, and increasing public awareness are all important changes. If these gaps are not closed, GI protection will not be able to benefit the economy or preserve cultural aspects in the fashion industry.³⁷

4.1. Digital Piracy & GI in Fashion Replication of Designs in Online Markets

Because of digital commerce and online marketplaces, fashion brands face new and unexpected problems protecting Geographical Indications (GIs). On the plus side, the internet makes artisans' and crafts people's products easier to find. However, it also leads to many cases of design theft and piracy. Many firms making clothes outside the GI regime can easily copy, manufacture, and sell well-known patterns and styles under labels that are confusing to buyers. Since platforms such as Amazon, Alibaba, and Etsy usually operate anonymously and cover many countries, the market for fake goods has expanded, often escaping any checks or customers' attention.³⁸

Due to the transnational nature of frequent infringements, GIs are not easy to enforce in the digital area, especially if they belong to local producer groups. On top of all this, there is no real policy or channel available for GI holders to address problems on most e-commerce channels. The situation is complicated by technology as well, as most artisans cannot use the necessary applications to spot online abuse of their artworks.

As a result, the first creators see their reputations and finances decline while counterfeiters get money from taking something that doesn't belong to them. People and organisations can fight

³⁶ *How Effective is GI in Safeguarding Traditional Art?*, *Fashion Law J.* (Apr. 2021).

³⁷ "Transnational Geographical Indications in India: Issues and Remedies," 24 *J. Indian Pol. & Reg. Gov't* 205 (2024).

³⁸ Kasturi Das, "Prospects and Challenges of Geographical Indications in India," 13 *J. World Intell. Prop.* 148 (2010).

against digital piracy in GI-protected fashion by adopting various approaches. Laws on intellectual property should also ensure online enforcement and easier procedures for taking down illegally posted material internationally. Besides, working with technology companies can result in new AI systems for catching and reporting cases of intellectual property infringements. Companies that involve e-commerce should be responsible for selling bogus GI goods and apply the needed preventive methods. One more thing is that teaching artisans about technology and running awareness drives can help protect GI-bearing communities in the online world.³⁹

5. Potential Legal Reforms & Policy Recommendations Strengthening GI Laws for Better Fashion Protection

In order to use Geographical Indications (GIs) for both culture and economic growth in fashion, the rules and laws must be reformed. Though the rules for GIs appear sensible, their procedures are not prepared for the changing situations in the areas of enforcement, international misappropriation, and digital platforms. This issue arises mainly because there are no clear and strict quality control and certification rules, which causes confusion about the actual quality of their products and leads consumers to doubt manufacturers. A certification mark made legal proof could make claims and marketing more believable and give more credibility to the market. Also, GI laws should extend past registration to give veterans proper support after they have registered. Among other efforts, this requires helping artisans with the law, having specialized enforcement activity, and quick ways to settle disputes.⁴⁰

The government should require that no less than one-third of the technical body, or GI Managing Body, be made up of actual artisans or weavers, to achieve inclusive policy making. Partnerships between government and private sectors ought to be championed in order to connect fashion brands with the market, organize their branding, and assist with international marketing efforts. India should encourage the formation of both bilateral and multilateral pacts that back its GI rights in foreign nations.⁴¹

More importantly, the government should work on globally registering and digitising Indian GIs by using the Lisbon Agreement or submitting their details to WIPO databases. Promoting GI along

³⁹ Siddhi P. Joshi, *Synthesis of Fashion and Law: An Interdisciplinary Perspective*, 3 Int'l J. Advanced Legal Rsch. 25 (May 2023).

⁴⁰ SiscaFerawati Burhanuddin, *Franchise Agreement in Civil Law Perspective*, 12 Enrichment: J. Mgmt. 39 (2021).

⁴¹ Edmund W. Kitch, *The Nature and the Function of the Patent System*, 20 J.L. & Econ. 265, 290 (1977).

with ‘Make in India’, ‘Skill India’, and ‘Digital India’ may have a positive effect as far as government policies are concerned. Furthermore, teaching both buyers and producers about the benefits of GI products would encourage respect for and demand of those items. Consequently, a forward-looking geographical indications (GI) system needs to be comprehensive, inclusive, and proficient in technology. These changes can bolster the standing of GIs within fashion law, safeguard the rights of traditional craftsmen, and guarantee that cultural heritage is both preserved and justly compensated in the international fashion market.

5.1. Balancing Innovation & Tradition in GI-Protected Fashion Can Modern Brands Collaborate with Traditional Artisans:

Developments in GI-protected fashion put a strong emphasis on the difficulty of maintaining traditional ways in the field of fashion law and cultural preservation. GI protection’s main purpose is to save tradition, but it should remain flexible so new ideas and changes can still happen. Because people’s preferences and the requirements of the fashion world are always growing, designers, stylists, and marketers must constantly come up with new ideas. Therefore, this progress must happen according to ethics and by really working together with people who maintain the traditional knowledge in GI-sourced goods.⁴² Efforts made by collaboration between fashion brands and artisans can help solve this issue. Solid partnerships can, in turn, make GI goods popular with shoppers, raise artisans’ living standards, and present local craftwork to people all over the world. Including these designers collaborating with weavers to help develop fashion items using traditional skills and designs. By doing this, efforts help keep the GI’s true identity and position it successfully in the global business world. Still, when working together, both sides must obey laws and keep ethical principles to avoid misusing these connections. The contracts need to specify how earnings, designs, and intellectual property should be managed in favour of the artisan communities. It is important to take measures in the law and industry to keep people from using traditional designs without proper credit or payment. With the help of government initiative centres, legal aid teams, and design schools, both parties benefit from learning with each other. Its ability to stay current and embrace all kinds of people will decide the future of GI protection in fashion. If new innovations in the GI world follow

⁴² Apoorva Mehta, *5 Reasons You Need Celebrity/Influencer Agreements*, Fashion L.J. (2022), <https://fashionlawjournal.com/5-reasons-you-need-celebrity-influencer-agreements>

tradition and values, they can help the GI system embrace sustainable development. Ultimately, the prospects for GI protection in fashion hinge on its capacity to stay adaptable and inclusive. By fostering innovation that is grounded in tradition and informed by ethical standards, the GI framework can transform into a paradigm of sustainable development. It can function not only as a legal shield for heritage but also as a driving force for creative, inclusive advancement within the fashion sector.⁴³

6. Summary of Findings Key Insights from Laws, Case Studies, and Industry Practices

The meeting of fashion law and Geographical Indications (GIs) creates a detailed picture influenced by heritage, rights over intellectual property, marketing factors, and the effects of globalization. It is evident from the study that although laws such as Geographical Indications of Goods (Registration and Protection) Act, 1999, back the protection of traditional textile and fashion, these laws are not efficiently implemented. Cases of GI-tagged items like Banarasi silk, Pochampally ikat, and Kanjeevaram sarees prove that GI status helps the product's economy and culture.⁴⁴ Besides being part of a region's past, such products can also open the way for them to be recognized and sold in different countries. Still, experience in the industry reveals that large firms often get most of the reward from GI protection, while those who create the unique crafts are overlooked. At the same time, the rise in fast fashion and digital shopping sites has lowered the unique value and originality of goods with a GI. Because companies do not enforce rules properly, counterfeit items can easily succeed both locally and around the world. On the one hand, people who choose GI produce value it for being genuine, however, lack of recognition keeps its brand from spreading to larger audiences. Disputes about GIs in international trade open the way for traditional fashion products to be used improperly. All in all, this research points out that GI protection should use various strategies, such as the law, technology, market links, and involving all sectors of society. It shows that we must immediately focus on restructuring, improve understanding among participants, and join forces on innovative ideas. At present, fashion law has to progress to ensure that it is fair and effective at looking after traditional identities and supporting sustainable fashion around the world.⁴⁵

6.1. Policy Recommendations Proposals for Improving GI Protection in Fashion Law

⁴³ "Investigating Circularity in India's Textile Industry," Suman Kumar Das, arXiv (Jan. 2025).

⁴⁴ *Geographical Indications & Handicrafts: A Critique*, 37 *Civil Law J.* 150 (2023).

⁴⁵ Transnational Geographical Indications in India: Issues and Remedies," 24 *J. Indian Pol. & Reg. Gov't* 205 (2024).

It is important to apply many policy changes to help Geographical Indications play a stronger role in fashion law. The main focus should be on modifying the current laws to add extra safeguards for builders once the project is registered. Though the present process is good for listing GIs, it is not able to secure their economic, legal, and cultural continuation after listing. For this purpose, governments should set up authorities with enough authority and tools to monitor and address the use of GI tags in the fashion industry. Besides, there needs to be standardized certification so that anybody can find genuine GI products immediately. An important feature towards protection of the GI tagged products would be integration of technology vis-à-vis verification of the correct quality and fabric by employing techniques like infrared spectroscopy could be termed as operable. One more important suggestion is to involve artisan groups more closely in GI management.⁴⁶ It is possible by directing farmers to participate in associations and be part of decision-making groups through legal requirement. By including GI promotion in “Make in India,” “Skill India,” and “Digital India,” more financial and institutional backing can be acquired. Moreover, public-private partnerships play an important role in growing new markets, promoting well-known brands, and making exports easy. Strengthening GI protection at the international level call for India to pursue it during trade negotiations and make its GI registration process match the framework outlined in the Lisbon Agreement and the Geneva Act. Legal rules should require e-commerce websites to do GI verifications and to remove any counterfeit products. Lastly, providing artisans with legal skills and internet training allows them to take part in the old and new ways of trading. These suggestions help fashion law broaden its role and become an important part of ensuring justice, protecting traditions, and achieving progress. We should treat safeguarding GI protection as our duty, by putting in place sound laws and institutions.⁴⁷

⁴⁶ William Fisher III et al., *Copyright and Related Rights in Fashion* (Harvard Law School Teaching Materials 2012).

⁴⁷ Dev Gangjee, *Relocating the Law of Geographical Indications* (Cambridge University. Press 2012).