WHEN COLLECTIVE HERITAGE MEETS PRIVATE BRANDING: RETHINKING THE GI–TRADEMARK DIVIDE ACROSS SOUTH INDIA

by

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ABSTRACT

India's Geographical Indications of Goods (Registration and Protection) Act, 1999 ("GI Act") was conceived as a collective, community-oriented intellectual property regime, standing in doctrinal contrast to the individually exclusionary logic of the Trade Marks Act, 1999. This paper tests that theoretical distinction against practice by examining nine geographically rooted product industries across all five South Indian states with significant GI activity Karnataka (Mysore Silk, Mysore Sandal Soap, Mysore Pak, Channapatna toys), Tamil Nadu (Kancheepuram Silk), Kerala (Aranmula Kannadi), Andhra Pradesh (Tirupati Laddu, Kondapalli toys) and Telangana (Pochampally Ikat) supported by a comparative doctrinal survey of certification marks, collective marks, and the pre-GI-Act common-law passing-off jurisprudence culminating in the Darjeeling Tea Board's own litigation experience. Drawing on statutory text, registration records, government and industry sources, and reported case law including R.S. Praveen Raj v. Tirumala Tirupati Devasthanams, the HYCO Pochampally passing-off dispute, the Aranmula Kannadi authenticity contest, and Tea Board, India v. ITC Limited, the paper argues that Indian GI protection across the southern industrial belt has repeatedly produced one of four outcomes: capture by a single corporate or institutional proprietor functioning as a de facto trademark owner; an undefended protection gap for genuinely diffuse heritage names;

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doctrinally correct collective ownership without the institutional capacity to translate legal recognition into market protection; or a nominally collective instrument whose own enforcement reach turns out, on litigation, to be narrower than assumed. The paper concludes with a structural diagnosis and a set of institutional reforms aimed at closing the gap between the GI Act's collective aspiration and its private-branding reality.

Keywords: *Geographical Indications; Trade Marks Act, 1999; GI Act, 1999; certification marks; collective marks; Mysore Silk; Mysore Sandal Soap; Mysore Pak; Channapatna toys; Kancheepuram Silk; Aranmula Kannadi; Tirupati Laddu; Kondapalli toys; Pochampally Ikat; South Indian intellectual property law.*

1. Introduction

India's Geographical Indications of Goods (Registration and Protection) Act, 1999 was drafted on a simple premise: certain products are inseparable from the place that produces them, and the reputation attaching to the place's name is a collective asset of its producer community rather than the property of any single firm.

Champagne, Roquefort Cheese and Darjeeling Tea are the textbook illustrations: the geographical name and the product's identity are treated in law as functionally inseparable.[1] India's GI Act, however, did not enter a doctrinal vacuum. It was layered onto a century-old trademark tradition organised around a fundamentally different premise that of the individual proprietor who invests in a mark, accumulates goodwill, and thereby earns an exclusionary private right.[2]

This paper extends an earlier single-state study of Mysore's industrial cluster into a full South Indian comparative survey. South India offers an unusually dense concentration of registered GIs Karnataka and Tamil Nadu are consistently ranked among India's top three states by number of registered GIs, and Kerala, Andhra Pradesh and Telangana each host

[1]For the classical definition and rationale of geographical indications generally, see World Intellectual Property Organization, "Geographical Indications: An Introduction," WIPO Publication No. 952E; and Article 22 of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1C, 1869 U.N.T.S. 299.

[2]Trade Marks Act, 1999, No. 47 of 1999, §§ 28–30 (India) (defining the rights conferred by registration and the remedies for infringement).

at least one nationally significant, heavily litigated or contested GIs.[3] Examined together, the five states' flagship GIs display the full range of outcomes possible under the statutory scheme: capture by a single institutional proprietor (Mysore Silk, Mysore Sandal Soap, Tirupati Laddu); an undefended protection gap for a diffuse heritage name (Mysore Pak); doctrinally correct but commercially under-resourced collective ownership (Channapatna toys, Kondapalli toys, Pochampally Ikat); and litigated tests of a GI's own scope and validity (Aranmula Kannadi, the Tirupati Laddu challenge, the Pochampally passing-off suit, and as a comparator from outside South India the Darjeeling Tea Board's own certification-mark litigation against ITC Limited).

Part II sets out an expanded doctrinal and comparative framework: the trademark/GI distinction, the Trade Marks Act's own under-used collective and certification mark instruments, the TRIPS Article 22/23 distinction between ordinary and additional protection, the pre-GI-Act common-law passing-off jurisprudence, and the statutory bridge in Chapter V of the GI Act. *Part III* presents case studies organised by state Karnataka, Tamil Nadu, Kerala, Andhra Pradesh and Telangana with a closing comparative section on the Darjeeling Tea Board model. *Part IV* draws out cross-cutting structural patterns. *Part V* proposes reforms, and *Part VI* concludes.

2. Doctrinal and Comparative Intellectual Property Framework

2.1 Trademarks: an individual, exclusionary right

A trademark under the Trade Marks Act, 1999 is, at its core, a private right. A single proprietor, or a defined and finite set of joint proprietors, registers a mark, and the statute confers on that proprietor the exclusive right to use the mark and to restrain others from using an identical or deceptively similar mark in relation to the same or similar goods or services.[4] The mark behaves, in the ordinary run of commercial life, as an item of transferable property: it may be assigned with or without the accompanying goodwill of

[3]See GEOGRAPHICAL INDICATION, slide deck compiling GI Registry statistics (reporting Karnataka and Tamil Nadu as, respectively, the first- and second-highest-ranked states by number of registered GIs; on file, https://www.slideshare.net/slideshow/geographical-indication-in-ipr-deta-docx/270948077).

[4]Trade Marks Act, 1999, §§ 28(1), 29 (India).

the business, licensed to third parties, mortgaged as security, and is liable to removal from the register for non-use.[5]

2.2 Geographical indications: a collective, non-transferable right

A geographical indication is structurally different at every one of these points. Section 2(1)(e) of the GI Act defines a GI as an indication identifying goods as originating in a territory, region or locality where a given quality, reputation or other characteristic is essentially attributable to that geographical origin.[6] Only an association of persons, producers, or an organisation or authority established by or under any law representing the interest of producers may apply for registration a single firm, acting alone, cannot.[7] Once registered, a GI cannot be assigned, transmitted, licensed, pledged or mortgaged; it may only be exercised by producers within the defined geographical area who meet the specification and are entered on the register as "authorised users."[8] On paper, therefore, a GI is designed to protect the reputation of a place on behalf of every producer entitled to trade under its name, not the balance sheet of a single company.

2.3 Certification marks and collective marks: the Trade Marks Act's own collective instruments

It is easy to overlook that the Trade Marks Act, 1999 itself contains two collectively oriented instruments that predate and run parallel to the GI Act, and that several of the disputes examined in Part III turn on the difference between them. Chapter VIII (Sections 61–68) creates the collective mark, defined in Section 2(1)(g) as a mark distinguishing the goods or services of members of an association of persons — not a partnership — from those of others; the association itself need not trade in the goods, and use by any authorised member counts in law as use by the association for the purpose of resisting non-use

[5]Trade Marks Act, 1999, §§ 37–45 (assignment and transmission), § 47 (removal for non-use) (India).

[6]Geographical Indications of Goods (Registration and Protection) Act, 1999, No. 48 of 1999, § 2(1)(e) (India).

[7]Geographical Indications of Goods (Registration and Protection) Act, 1999, § 11(1) (India).

[8]Geographical Indications of Goods (Registration and Protection) Act, 1999, § 24 (prohibition on assignment and transmission), §§ 17, 21 (registration and rights of authorised users) (India).

cancellation.[9] Chapter IX (Sections 69–78) creates the certification mark: a mark certifying that goods or services meet a defined standard of origin, material, mode of manufacture, quality or accuracy, which may be used by anyone who meets that standard, but whose proprietor — unlike an ordinary trademark owner or a collective-mark association — must not itself trade in the certified goods, precisely so that the certifying body remains impartial.[10] The Tea Board of India, for instance, holds "Darjeeling" as both a registered GI and a certification trademark simultaneously — a dual-registration strategy examined in Section 3.6 below, whose apparent robustness turned out, on litigation, to have real limits.

2.4 TRIPS Articles 22 and 23: ordinary versus additional protection

India's GI Act implements a TRIPS-compliant, but not TRIPS-maximal, standard of protection. Article 22 of TRIPS requires member states to prevent GI use that misleads the public as to geographical origin, or that constitutes unfair competition within the meaning of Article 10bis of the Paris Convention protection conditioned on a showing of consumer confusion.[11] Article 23 grants a stronger, confusion-independent standard of "additional protection" but confines it to wines and spirits, barring GI-imitating use even where consumers are not actually misled (for example, use accompanied by qualifiers such as "kind" or "type").[12] None of the South Indian products examined in this paper silk, soap, confectionery, toys, mirrors, sarees fall within Article 23's wines-and-spirits carve-out, so each depends on the weaker, confusion-contingent Article 22 standard as domesticated through Sections 21 and 22 of the GI Act. This is a structural reason, independent of any state-specific institutional failure, why South India's non-beverage GIs face a comparatively harder evidentiary burden in enforcement than a product like Scotch Whisky would.

[9]Trade Marks Act, 1999, §§ 2(1)(g), 61–68 (India); see also Collective Trademark in India: Meaning & Registration, PATRON ACCOUNTING (2026), https://www.patronaccounting.com/blog/collective-trademark-in-india.

[10]Trade Marks Act, 1999, §§ 69–78 (India); Unlocking Market Trust: Certification & Collective Marks, KHURANA & KHURANA (2026), https://www.khuranaandkhurana.com/unlocking-market-trust-certification-collective-marks-under-india-s-trademark-act.

[11]Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), art. 22.2; Paris Convention for the Protection of Industrial Property, Mar. 20, 1883 (as revised), art. 10bis.

[12]Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), art. 23.1–23.2.

2.5 The pre-GI-Act common law: passing off and *Scotch Whisky Association v. Pravara Sahakar Karkhana*

Before the GI Act existed, Indian courts protected geographically significant names exclusively through the common-law tort of passing off, which required a claimant to establish goodwill in the name, a misrepresentation by the defendant likely to deceive, and consequent damage. The leading pre-Act precedent is *Scotch Whisky Association v. Pravara Sahakar Shakar Karkhana Ltd.*, decided by the Bombay High Court on 18 July 1991, in which a UK trade association successfully restrained an Indian cooperative sugar-and-distillery unit from marketing whisky under labels describing it as "blended Scotch whisky," notwithstanding that the product was distilled in Maharashtra.[13] The Bombay High Court held that the Association had sufficient interest to restrain passing off that damaged the collective reputation and goodwill of "Scotch Whisky" as a class description, even though no single Scotch producer was a party to the suit — an early judicial recognition, in substance, of the same collective-reputation logic the GI Act would later codify. A companion case a few years earlier, *Scotch Whisky Association v. Mohan Meakin Ltd.*, saw the Delhi High Court refuse registration of a trademark using tartan imagery and a Highland motif on the ground that it would mislead Indian consumers as to Scottish origin.[14] Both cases matter to the South Indian material examined below because they establish that passing off remains, to this day, the fallback remedy South Indian GI holders and state corporations reach for when the GI Act's own enforcement machinery proves too narrow or too slow — exactly the pattern seen in the KSDL–Kerala soap dispute and, differently, in the Pochampally HYCO litigation.

2.6 The statutory bridge and its seam

Chapter V of the GI Act, headed "Special Provisions Relating to Trade Marks and Prior Users," attempts to reconcile the trademark and GI regimes. Section 25 empowers the Registrar of Trade Marks, suo motu or on request, to refuse or invalidate a trademark that

[13]The Scotch Whisky Association v. Pravara Sahakar Shakar Karkhana Ltd., AIR 1992 Bom 294, 1992 (2) ARBLR 233 (Bom) (Bombay High Court, judgment of July 18, 1991); see also The Scotch Whisky Association v. Pravara Sahakar Shakar Karkhana Ltd., INDIAN KANOON, https://indiankanoon.org/doc/287529/ (last visited Aug. 29, 2026).

[14]Scotch Whisky Association v. Mohan Meakin Ltd. (Delhi High Court, 1980); see Geographical Indication Tags as Intellectual Property in India, VINTAGE LEGAL (Jan. 3, 2025), https://www.vintagelegalvl.com/post/geographical-indication-tags-as-intellectual-property-in-india.

consists of or contains a geographical indication in respect of goods not originating in the indicated territory, where such use would confuse or mislead consumers as to true origin.[15] Section 26, by contrast, protects certain trademarks against this override: a trademark applied for or registered in good faith, or used continuously and in good faith, before the commencement of the GI Act or before the GI itself was protected in its country of origin, is expressly saved. Section 26(4) additionally imposes a five-year limitation period, running from the date the GI holder had knowledge of the conflicting use, within which any challenge must be brought a limitation bar that, as Section 3.6 shows, proved fatal even to the Tea Board of India's own claim against ITC Limited over "Darjeeling Lounge."[16]

This prior-use saving clause, together with the Section 26(4) limitation bar, is the seam along which nearly every Indian GI–trademark conflict eventually unravels. Its practical effect is that where a private or state-owned enterprise was already using a geographically descriptive name as a trademark before the GI came to be registered or where the GI holder simply moved too slowly to sue that enterprise can typically continue undisturbed. South India supplies an unusually rich set of illustrations of this dynamic across all five states now considered.

3. Case Studies Across the Southern States

3.1 Karnataka: the Mysore cluster

Karnataka's former princely capital, Mysore, has generated more nationally recognised geographically rooted brands from a single historical patronage system than any other South Indian city, making it the natural anchor for this study before the comparative state survey that follows.

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3.1.1 Mysore Silk

The Karnataka Silk Industries Corporation Limited ("KSIC"), a Government of Karnataka undertaking, is registered as the exclusive proprietor of the "Mysore Silk" geographical

[15] Geographical Indications of Goods (Registration and Protection) Act, 1999, § 25(a) (India).

[16] Geographical Indications of Goods (Registration and Protection) Act, 1999, § 26 (India) ("Protection to certain trade marks"), § 26(4) (five-year limitation from date of knowledge); see also Act No. 48 of 1999 (assented to Dec. 30, 1999; commenced Sept. 15, 2003).

indication (GI Registration No. 11), with a separate registration (No. 532) covering the associated Mysore Silk logo.[17] KSIC traces its lineage to a silk-weaving establishment founded in 1912 under Nalvadi Krishnaraja Wadiyar, absorbed by the state sericulture department after independence and reconstituted as KSIC in 1980. Because GIs are meant to be collective, KSIC's status as exclusive proprietor is a genuine doctrinal anomaly: independent handloom weavers in Mysore district cannot lawfully market output under the "Mysore Silk" name unless routed through KSIC's own authentication system, even as demand for KSIC's product remains intense enough that customers queue overnight outside its showrooms for hologram-authenticated sarees.[18]

KSIC's dominance over the GI is reflected in its commercial performance. In financial year 2024–25, KSIC recorded a gross turnover of approximately Rs 332 crore from the sale of over one lakh Mysore Silk sarees — making it among the most commercially successful state-owned GI proprietors in India.[19] The paradox, as investigative reporting has noted, is that independent handloom weavers in Mysore district weave sarees of comparable quality using identical raw materials, yet may not market their output under the "Mysore Silk" name without routing it through KSIC's authentication system, effectively conditioning independent artisans' market access on the goodwill of the very entity that has captured the GI.[20]

3.1.2 Mysore Sandal Soap

Mysore Sandal Soap has been manufactured since 1916 by the Government Soap Factory established under Krishna Raja Wadiyar IV, later merged with sandalwood-oil units and incorporated in 1980 as Karnataka Soaps and Detergents Limited ("KSDL"), which

[17] How to Identify a Real KSCI Mysore Silk Saree, DECCAN CHRONICLE (2026), https://www.deccanchronicle.com/lifestyle/rashmikas-mysore-silk-sari-decoded-how-to-tell-a-real-from-a-crepe-1942830 (reporting GI Registration No. 11 for Mysore Silk and No. 532 for the associated logo, both held by KSIC).

[18] Early Morning Queues, Limited Tokens: Mysore Silk Frenzy Once Again Grips Bengaluru, THE FEDERAL (2026), https://thefederal.com/category/states/south/karnataka/mysore-silk-saree-demand-bengaluru-rashmika-mandanna-238008.

[19] 'Demand Surge For Mysore Silk Sarees In Recent Years So Is The Profit Of KSIC', Deccan Chronicle (10 March 2026) <https://www.deccanchronicle.com/southern-states/karnataka/demand-surge-for-mysore-silk-sarees-in-recent-years-so-is-the-profit-of-ksic-1943004> accessed 31 August 2026.

[20] 'A Prized Possession for Generations, Why Mysore Silk Sarees Are Failing to Keep Up with Demand', The Federal (26 January 2026) <https://thefederal.com/category/the-eighth-column/mysore-silk-saree-karnataka-silk-board-karnataka-silk-industries-corporation-gi-tag-tipu-sultan-krishnaraja-wadiyar-iv-212565> accessed 31 August 2026.

obtained the GI for both Mysore Sandal Soap and Mysore Sandalwood Oil in 2006. By the time GI registration arrived in 2006, ninety years of trademark-style brand equity had already fused with the new GI into a single asset controlled by one corporate entity, which describes the GI explicitly as an anti-piracy tool. Karnataka has separately accused Kerala State Industrial Enterprises of trading on the "Mysore Sandal Soap" name, but pursued that dispute through ordinary trademark and passing-off doctrine rather than GI-specific remedies an implicit acknowledgment that Indian GI enforcement remains thinner than conventional trademark litigation.[21]

3.1.3 Mysore Pak

Mysore Pak, a confectionery attributed to the royal kitchens of Krishna Raja Wadiyar IV, illustrates the opposite failure mode: a genuinely place-linked product too generic and too widely manufactured across India and exported as far as Bangladesh and Pakistan under localised names to obtain GI protection at all. The closest litigation touching the product, *Sri Krishna Sweets Private Limited v. M. Murali*, arose sideways through a family trademark dispute over the mark "Sri Krishna Sweets" rather than any claim over "Mysore Pak" itself, which both litigating brothers treated throughout as an unownable generic descriptor.[22]

3.2 Tamil Nadu: Kancheepuram Silk

Kancheepuram silk saris were registered as a GI in 2005–06 on an application filed by the Government of Tamil Nadu, making the state itself, rather than a single corporation, the registered proprietor a structural variant distinct from Karnataka's KSIC/KSDL model. As of 2008 an estimated 5,000 weaving families and 25 silk and cotton yarn industries operated in the region, marketed substantially through cooperative societies rather than a single retail entity, which official district sources state may bring legal action against anyone selling non-Kancheepuram sarees under the name.[23] In practice, however, Tamil

[21]Karnataka Soaps and Detergents Limited, GROKIPEDIA, https://grokipedia.com/page/Karnataka_Soaps_and_Detergents_Limited (last visited Aug. 29, 2026) [secondary source; cross-verification against a primary law report is recommended before citation in formal submissions].

[22]Sri Krishna Sweets Private Limited v. M. Murali, Original Side Appeal, Madras High Court (proceedings spanning multiple orders, 2018–2020); Divya Saini & Arun C. Mohan, Sri Krishna Sweets Trademark Dispute: Madras HC's Take on SC's Patel Field Marshal Judgment, SPICYIP (July 3, 2020), https://spicyip.com/2020/07/madras-hcs-take-on-supreme-courts-patel-field-marshal-judgment-in-sri-krishna-sweets-trademark-validity-case.html.

[23]GI Tag Product — Kancheevaram Silks and Sarees, supra note 24.

Nadu's GI regime confronts a problem structurally identical to Telangana's Pochampally dispute (Section 3.5 below): the proliferation of power-loom "Kanchipuram-style" sarees sold nationally through malls and e-commerce platforms, none of which is produced by traditional hand-loom methods in Kancheepuram itself, and against which individual weaver cooperatives lacking KSIC's or the Tamil Nadu government's litigation resources have limited practical capacity to sue, since a luxury retailer or fashion label's use of "Kanchipuram" as a mere styling descriptor is not always captured by the GI Act's own remedies and may instead require an expensive common-law passing-off suit.[24]

The scale of the Kancheepuram industry renders this enforcement gap particularly acute. Industry sources indicate that the Kancheepuram silk sari sector operates across more than 60,000 looms in the town, employing tens of thousands of weavers whose primary marketing channel runs through cooperative societies such as Co-optex rather than any single institutional proprietor.[25] That institutional dispersal, which structurally distinguishes Kancheepuram from Karnataka's KSIC model, simultaneously weakens enforcement capacity: no single body commands the financial resources to mount sustained litigation against the proliferation of 'Kanchipuram-style' labelling in national retail chains or on major e-commerce platforms, illustrating how the absence of single-body capture can itself become a structural source of vulnerability.

3.3 Kerala: Aranmula Kannadi

The Aranmula Kannadi a hand-crafted, first-surface metal-alloy mirror produced only by a handful of families in Aranmula, Pathanamthitta district, using a closely guarded copper-tin-silver alloy formula received GI registration in 2005 as one of the earliest handicraft GIs granted in India, alongside Darjeeling Tea and Pochampally Ikat.[26] Unlike Mysore Silk or Mysore Sandal Soap, the Aranmula GI was not captured by a single corporation; it remained with the small circle of artisan families who had produced the mirror for

[24]Geographical Indication Protection in India: Handloom GI, MAHESHWARI & CO. (2026), https://www.maheshwariandco.com/blog/geographical-indication-protection-handloom-india/.

[25] 'Kanchipuram Silk Sari', Grokipedia <https://grokipedia.com/page/Kanchipuram_silk_sari> accessed 31 August 2026 (reporting over 60,000 looms employing tens of thousands of weavers, with Co-optex as the principal cooperative marketing channel).

[26]Aranmula Kannadi, WIKIPEDIA, https://en.wikipedia.org/wiki/Aranmula_kannadi (last visited Aug. 29, 2026); GEOGRAPHICAL INDICATION, slide compilation, supra note 3 (listing Aranmula Kannadi among the first cohort of GI registrations after Darjeeling Tea).

generations. This apparent purity of collective ownership has nonetheless generated its own distinctive conflict: a rival organisation has publicly disputed the claimed origin story and inventorship underlying the registered GI, alleging that it does not represent the mirror's true historical originators, and the resulting authenticity dispute has been compounded by severe flood damage to artisan workshops that destroyed years of accumulated stock and equipment.[27] The Aranmula case is instructive precisely because it shows that even a GI held by the intended small producer community — rather than by a distant state corporation is not immune to contestation: the underlying difficulty is not only about who controls the register, but about whether the GI Registry's initial fact-finding into contested oral history and craft lineage can withstand a later, well-organised challenge to origin claims.

The material dimensions of that vulnerability became unmistakably concrete during the catastrophic 2018 Kerala floods. Of the twenty-two mirror-making units operating in the Aranmula cluster, seven were completely inundated and the remainder suffered damage; artisans reported that over 300 finished mirrors were lost at the worst possible commercial moment, immediately before the Onam shopping season.[28] The floods also triggered a longer-term raw material crisis: successive flood events and landslides have altered the chemical composition of the riverbed clay from the Pamba basin that artisans use to make mirror moulds, forcing craftsmen to dig progressively deeper for increasingly poor-quality material and raising production costs in an already fragile craft economy.[29]

3.4 Andhra Pradesh: Tirupati Laddu and Kondapalli toys

3.4.1 Tirupati Laddu and R.S. Praveen Raj v. TTD

Tirupati Laddu the sanctified prasadam prepared exclusively inside the Tirumala temple under the supervision of the Tirumala Tirupati Devasthanams ("TTD"), the statutory trust

[27] Geographical Indication: Challenges and Suggestions — A Study in Context of Aranmula Kannadi, LEGAL SERVICE INDIA, https://www.legalserviceindia.com/legal/article-5698-geographical-indication-challenges-and-suggestions-a-study-in-context-of-aranmula-kannadi.html (last visited Aug. 29, 2026).

[28] 'Aranmula's Famed Mirror Makers Stare at Bleak Future after Flood', Onmanorama (29 August 2018) <https://www.onmanorama.com/news/kerala/2018/08/29/aranmula-mirror-flood-damage.html> accessed 31 August 2026 (reporting that seven of twenty-two operating units were completely flooded, with over 300 finished mirrors lost or damaged across the cluster).

[29] 'Aranmula Mirrors Face Serious Threat from Climate Change', Deccan Herald <https://www.deccanherald.com//national/south/aranmula-mirrors-face-serious-threat-from-climate-change-1225277.html> accessed 31 August 2026.

administering the temple is a registered GI whose validity was directly challenged before the GI Appellate Board in *R.S. Praveen Raj v. Tirumala Tirupati Devasthanams*. The petitioner, a scientist unconnected with the confectionery trade, argued that the laddu did not meet the GI Act's definition of "goods" under Section 2(1)(f) because it is a sacred religious offering rather than an industrial or commercial product, and more fundamentally for this paper's argument that granting GI status to a single trust, TTD, which is both the sole producer and sole recipient of the laddu, violates Section 11(1)'s requirement that a GI represent the collective interest of a producer community rather than a solitary entity.[30] The GI Registry rejected the challenge and the registration was upheld, but the petition articulated with unusual clarity the precise doctrinal anomaly this paper traces across Karnataka's Mysore Silk and Mysore Sandal Soap GIs: a single-producer GI is, in substance, functionally indistinguishable from a trademark wearing a GI's name, and its grant risks signalling to other solitary producers that GI status is available to them too, contrary to the Act's collective design.[31] More recently, TTD has begun to enforce its GI rights aggressively against online commerce: in June 2025, TTD issued legal notices under the GI Act to e-commerce vendors including PushMyCart and Transact Foods for selling products marketed as "Tirupati Laddu" without authorisation, in what TTD's own officials described as among the first instances of a religious institution defending a temple offering's GI status through formal legal channels against international online platforms.[32] Tirupati Laddu therefore supplies South India's most direct real-world test of the single-producer-GI anomaly identified more obliquely in the Mysore case studies here litigated head-on, and resolved, at least at the registry level, in favour of allowing single-institution GI ownership to stand.

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3.4.2 Kondapalli toys

[30]R.S. Praveen Raj v. Tirumala Tirupati Devasthanams, IPAB proceedings; see Geographical Indication: "Tirupati Laddu" Valid, IIPTA (Sept. 7, 2017), https://iipta.com/geographical-indication-tirupati-laddu-valid/; Tirupati Laddoo Case — Geographical Indication Analysis, STUDOCU, https://www.studocu.com/in/document/rani-durgavati-vishwavidyalaya/criminal-law/tirupati-laddoo-case-summary-criminal-law/77273514 (last visited Aug. 29, 2026).

[31]See Tirupati Laddoo Case — Geographical Indication Analysis, supra note 30 (noting the concern that treating a single-producer registration casually "would prove fatal in achieving the purpose of the GI Act" and citing the contrasting refusal to grant GI status to a solitary commercial applicant, Bambino Vermicelli).

[32]TTD Cracks Down on Unauthorised Use of Tirupati Laddu GI Tag, Issues Legal Notices to Online Platforms, THE SOUTH FIRST (June 6, 2025), https://thesouthfirst.com/andhrapradesh/ttd-cracks-down-on-unauthorised-use-of-tirupati-laddu-gi-tag-issues-legal-notices-to-online-platforms/.

Kondapalli Bommalu, lightweight wooden toys carved from locally sourced Tella Poniki softwood by artisans of the Aryakshatriya community in Krishna district, received GI registration in 2005 (some sources report the toys as the first Indian handmade toys to be GI-tagged, in 2007). The GI application itself was filed jointly by LIGHT (the LANCO Institute of General Humanitarian Trust, a corporate-linked charitable trust) and the Kondapalli Wooden Toys Manufacturers association a hybrid applicant structure distinct from both Karnataka's state-corporation model and Tamil Nadu's state-government model, illustrating a third institutional pathway by which South Indian GIs have been secured. As with Channapatna, GI registration and institutional goodwill have not translated into commercial durability: reporting throughout the 2020s describes declining profitability, competition from mass-produced substitutes, and heavy reliance on government-backed retail channels such as Lepakshi Handicrafts Development Corporation to keep the craft economically viable.[33]

3.5 Telangana: Pochampally Ikat and the HYCO litigation

Pochampally Ikat, the tie-and-dye geometric-pattern weaving tradition of Bhoodan Pochampally, was among the earliest GIs registered in India, in 2004–05, jointly held by the Pochampally Handloom Weavers Co-operative Society Ltd. and the Pochampally Handloom Tie & Dye Silk Sarees Manufacturers' Association. This cooperative-and-association ownership structure produced South India's earliest reported instance of GI-adjacent litigation: in 2005, the Pochampally weavers' cooperatives sued for infringement and passing off against power-loom sarees marketed under the deceptively similar brand name "HYCO Pochampally," arguing that the phonetically near-identical name misled consumers into believing the mass-produced goods were genuine hand-woven ikat.[34] Two decades on, the underlying enforcement problem persists and has, if anything, worsened: despite three consecutive ten-year renewals of the Pochampally GI, weavers report large-

[33]Kondapalli Toys: Andhra Pradesh Craft, Artisans, and Traditions, LOVENSPIRE (Sept. 12, 2025), https://lovenspire.com/blogs/lovenspire-blog-corner/discovering-kondapalli-toys-the-colorful-art-from-andhra-pradesh.

[34]Geographical Indication Protection in India: Handloom GI, supra note 25 (describing the 2005 infringement and passing-off suit brought by Pochampally weavers' cooperatives against power-loom sarees sold as "HYCO Pochampally").

scale duplication of Ikat designs by power-looms both within Telangana and in Gujarat's Surat textile hub and Odisha's Sambalpur region, with local associations describing government enforcement as passive and, in some accounts, suspecting regulatory capture by the power-loom lobby.[35] Significantly, the weavers' association is reportedly now considering supplementing the GI with a dedicated trademark specifically so that ordinary consumers can visually distinguish authorised Pochampally products from imitations an implicit admission, from within the collective-ownership structure itself, that a GI alone has proved an insufficient enforcement and consumer-signalling tool, and that the individually exclusionary logic of ordinary trademark law may do work the GI Act cannot.[36]

The quantitative dimension of that decline is stark. Reporting in 2024 documents that the number of active handlooms in Pochampally has fallen from approximately 14,000 to around 9,000 over the preceding decade — a reduction of more than a third — while a weaving household producing seven sarees over a twenty-five-day production cycle earns only approximately Rs 10,000 to Rs 12,000, an income barely adequate to cover household expenses before accounting for rising input costs for raw cotton hank yarn and synthetic dyes.[37] The Telangana Handlooms and Textiles Department estimates that the state has approximately 59,325 handloom weavers and ancillary workers in total, supported by around 500 weavers' cooperative societies — figures that measure human dependency without capturing the economic fragility underlying them.

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3.6 The Darjeeling comparator: Tea Board, India v. ITC Limited

[35]Renewal of Pochampally Ikat GI Tag for 10 More Years, TELANGANA TRIBUNE (Dec. 18, 2023), https://www.telanganatribune.com/renewal-of-pochampally-ikat-gi-tag-for-10-more-years/; Karli Srinivasulu, 3 Reasons Why Handloom Weavers in Telangana, Andhra Are in Deep Distress, THE FEDERAL (Aug. 3, 2024), https://thefederal.com/category/states/south/telangana/3-reasons-why-handloom-weavers-telangana-andhra-in-deep-distress-136704.

[36]Pochampally: Telangana's Ikat Village That Put Indian Handloom on the World Map, OUTLOOK TRAVELLER (June 19, 2025), https://www.outlooktraveller.com/destinations/india/did-you-know-about-this-telangana-village-that-put-indian-handloom-on-the-world-map.

[37] Karli Srinivasulu, '3 Reasons Why Handloom Weavers in Telangana, Andhra Are in Deep Distress', The Federal (3 August 2024) <https://thefederal.com/category/states/south/telangana/3-reasons-why-handloom-weavers-telangana-andhra-in-deep-distress-136704> accessed 31 August 2026; 'Rewind: Gloom in the Lives Behind the Loom — Giving Telangana's Weavers Their Due', Telangana Today <https://telanganatoday.com/rewind-gloom-in-the-lives-behind-the-loom-giving-telanganas-weavers-their-due> accessed 31 August 2026.

The earlier iteration of this paper cited the Darjeeling Tea Board's dual GI-and-certification-mark structure as a comparatively successful single-body management model against which South India's fragmented arrangements could be measured. A closer look at the Tea Board's own litigation record complicates that comparison. In *Tea Board, India v. ITC Limited*, the Tea Board sued ITC in the Calcutta High Court in 2010 for naming an exclusive lounge at its Kolkata hotel the "Darjeeling Lounge," alleging infringement of both its registered GI and its registered certification trademark for "Darjeeling," as well as passing off and dilution.[38] The suit failed on two independent grounds that speak directly to this paper's structural argument. First, the Calcutta High Court held the claim time-barred under Section 26(4) of the GI Act, since ITC's lounge had operated since January 2003 predating the GI Act's very commencement while the Tea Board did not sue until 2010, well beyond the five-year limitation running from its own admitted 2005 knowledge of the name.[39] Second, and more fundamentally, the Court held that a certification trademark under Sections 69, 75 and 78 of the Trade Marks Act protects only the certified goods themselves tea and does not extend to an unrelated hospitality service merely because it borrows the certified region's name, since the parties operated in entirely different trades with no likelihood of confusion or unfair competition within the meaning of Section 22 of the GI Act. The litigation therefore shows that even India's most carefully institutionalised single-body GI-and-certification-mark arrangement has a real enforcement ceiling: dual registration secures a strong claim over the certified goods themselves, but confers no general trademark-style monopoly over the geographical name as such, and remains just as vulnerable to the Section 26(4) limitation trap that constrains every other GI holder examined in this paper. The Darjeeling model, in other words, is institutionally cleaner than Karnataka's, Tamil Nadu's, Kerala's, Andhra Pradesh's or Telangana's arrangements, but it is not a cure for the GI Act's structural limitations, only a partial mitigation of them.

[38]Tea Board, India v. ITC Ltd., GA No. 3137 of 2010, CS No. 250 of 2010 (Calcutta High Court); Tea Board v. ITC Ltd. on 20 April, 2011, INDIAN KANOON, https://indiankanoon.org/doc/188457632/ (last visited Aug. 29, 2026).

[39]Eashan Ghosh, Certification Trade Marks and GI Versus 'Regular' Trade Marks: The Calcutta High Court Ruling in Tea Board v. ITC, SPICYIP (Feb. 20, 2019), https://spicyip.com/2019/02/certification-trade-marks-and-gi-versus-regular-trade-marks-the-calcutta-high-court-ruling-in-tea-board-v-itc.html.

4. Structural Patterns Across South India

Six cross-cutting patterns emerge from the nine case studies spanning five states, each identifying a distinct structural weakness in how Indian law manages collective, place-based commercial reputation.

4.1 Single-institution capture recurs across ownership models, not only in Karnataka

Mysore Silk and Mysore Sandal Soap (state corporations), Tirupati Laddu (a religious trust), and more subtly Tamil Nadu's state-government-held Kancheepuram Silk GI all place a single institutional actor in effective control of a nominally collective right. The *R.S. Praveen Raj* challenge to Tirupati Laddu shows that this pattern is not confined to Karnataka's public-sector model but recurs wherever one institution happens to be the sole historical producer of a place-linked good, regardless of whether that institution is a company, a state government, or a temple trust.

4.2 Genuinely diffuse heritage names remain unprotected

Mysore Pak's fate too generic and too widely dispersed for GI treatment, and defended, if at all, only incidentally through unrelated family trademark litigation has no analogue-in-reverse anywhere in the five-state survey: no southern state has developed a certification-mark or intermediate-category solution for a heritage name in this position.

4.3 Doctrinally correct collective ownership does not, by itself, produce commercial durability

Channapatna toys, Kondapalli toys, and Pochampally Ikat all rest on genuinely collective ownership cooperative societies, manufacturers' associations, or artisan-linked trusts yet all three report declining profitability, competition from mass production, and weak enforcement. Institutional correctness at the level of legal form has not been sufficient in any of the three cases.

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The Darjeeling Tea Board provides a further illustration of this point at the level of the country's best-resourced GI. Despite Darjeeling Tea being India's first and most institutionally supported GI, industry estimates consistently indicate that only approximately 8.5 million kilograms of authentic Darjeeling tea is produced annually while around 50 million kilograms is sold globally under the same name — a mismatch of

roughly six to one between authenticated supply and market demand that the dual GI-and-certification-mark structure has never been able to close.[40]

4.4 Even a well-resourced, doctrinally clean collective structure has a real enforcement ceiling

The Darjeeling Tea Board's defeat in *Tea Board v. ITC* demonstrates that dual GI-and-certification-mark registration, administered by a single competent body, is not an unqualified solution: Section 26(4)'s limitation period and the doctrinal restriction of certification-mark rights to the certified goods themselves constrain even the best-resourced South Asian GI holder.

4.5 GI holders keep reaching for trademark and passing-off remedies instead of the GI Act's own machinery

KSDL's inter-state dispute with Kerala, the 2005 Pochampally HYCO suit, and Kancheepuram weavers' structural inability to sue luxury retailers under the GI Act all point the same way: passing off and ordinary trademark infringement doctrine developed over a much longer common-law history, exemplified by *Scotch Whisky Association v. Pravara Sahakar Karkhana* remains the more reliable litigation route across the region, notwithstanding the GI Act's later, ostensibly purpose-built framework.

4.6 Origin and authenticity disputes can arise even within a genuinely collective GI

The Aranmula Kannadi controversy shows that collective ownership by the historically correct artisan community does not immunise a GI from later challenge here, on the ground of contested inventorship and origin narrative rather than on the single-proprietor capture problem seen elsewhere. This suggests the GI Registry's fact-finding process at the registration stage carries real downstream litigation risk regardless of how collectively a GI is initially structured.

5. Toward a More Coherent Framework

[40] 'The Operational Dynamics of GI Act in India: Registry, Registration, and Rights', TheLaw.Institute (24 February 2026) <https://thelaw.institute/trademarks-domain-names-geographical-indications/operational-dynamics-gi-act-india-registry-registration-rights/> accessed 31 August 2026 (citing industry estimates that only approximately 8.5 million kilograms of authentic Darjeeling Tea is produced annually while around 50 million kilograms is sold globally under the same name).

The five-state survey suggests that reforms aimed only at Karnataka's KSIC/KSDL-style single-corporation capture would address only one of the patterns documented above. A more complete reform agenda should include the following measures.

- Separate the authorised-user register from single-entity capture. Where a state corporation, state government, or institutional trust (as with KSIC, KSDL, the Government of Tamil Nadu, or TTD) is the sole or dominant authorised user of a GI, statute or state policy should build in a defined pathway for independent producers meeting the same quality specification to be added as co-authorised users.
- Create a certification-mark pathway, actively used, for diffuse heritage names. Products such as Mysore Pak — genuinely place-linked but too dispersed for classic GI treatment — would benefit from a certification-mark regime under Chapter IX of the Trade Marks Act, administered by a state or industry body along the lines the Tea Board already operates for Darjeeling, rather than being left to incidental private litigation.
- Pair every new GI grant with dedicated enforcement and marketing resources, and monitor renewal cycles actively. Channapatna, Kondapalli and Pochampally all show that legal recognition without institutional backing rarely survives sustained contact with an unregulated, import- or power-loom-heavy market, and Pochampally's own weavers' move toward a supplementary trademark suggests GI holders themselves increasingly recognise this gap.
- Shorten or clarify the practical operation of the Section 26(4) limitation period for GI holders, or create a standing monitoring obligation on GI-registering bodies, so that meritorious claims like the Tea Board's against ITC are not lost to delay before they can be heard on the merits.
- Build a standing origin-verification and dispute-resolution mechanism within the GI Registry, distinct from ordinary opposition proceedings, to resolve authenticity and inventorship contests of the kind raised in the Aranmula Kannadi and Tirupati Laddu challenges before they escalate into prolonged litigation.

- Encourage single-body dual management on the Tea Board model where institutionally feasible, while recognising — per Tea Board v. ITC — that dual registration mitigates but does not eliminate the underlying doctrinal gap between GI/certification-mark rights over goods and the broader brand protection an ordinary trademark affords over services and adjacent uses.

6. Conclusion

Extending the inquiry from Mysore alone to all five South Indian states with substantial GI activity confirms, and considerably sharpens, the original diagnosis. Every institutional variant the region has tried a state corporation (Karnataka), a state government (Tamil Nadu), an artisan-family collective (Kerala), a religious trust (Andhra Pradesh), a cooperative-and-association hybrid (Telangana), and even the country's most carefully managed dual GI-and-certification-mark structure (Darjeeling, as comparator) has run into some version of the same underlying problem: collective legal form does not reliably produce collective commercial or enforcement power, and single-institution control, wherever it arises, tends to convert a nominally collective right into something that functions, in practice, like an ordinary trademark. Rethinking the GI–trademark divide across South India is therefore not a question of choosing one legal instrument over the other, nor of fixing one state's arrangements in isolation. It is a question of building the institutional plumbing shared authorised-user registers, an actively used certification-mark pathway for diffuse heritage names, monitored renewal and enforcement cycles, a workable limitation regime, and a standing origin-dispute mechanism that would let a collective right function collectively wherever in the region it is invoked, rather than quietly operating, case by case, as a trademark with an additional government seal attached.

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